

53-3-101. Short title.

This chapter is known as the "Uniform Driver License Act."

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-102. Definitions.

As used in this chapter:

(1) "Cancellation" means the termination by the division of a license issued through error or fraud or for which consent under Section 53-3-211 has been withdrawn.

(2) "Class D license" means the class of license issued to drive motor vehicles not defined as commercial motor vehicles or motorcycles under this chapter.

(3) "Commercial driver license" or "CDL" means a license:

(a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle; and

(b) that was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-410(1)(i).

(4) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

(i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as determined by federal regulation;

(ii) is designed to transport 16 or more passengers, including the driver; or

(iii) is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.

(b) The following vehicles are not considered a commercial motor vehicle for purposes of Part 4, Uniform Commercial Driver License Act:

(i) equipment owned and operated by the United States Department of Defense when driven by any active duty military personnel and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians and civilians who are required to wear military uniforms and are subject to the code of military justice;

(ii) vehicles controlled and driven by a farmer to transport agricultural products, farm machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation as a motor carrier for hire;

(iii) firefighting and emergency vehicles; and

(iv) recreational vehicles that are not used in commerce and are driven solely as family or personal conveyances for recreational purposes.

(5) "Conviction" means any of the following:

(a) an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

(b) an unvacated forfeiture of bail or collateral deposited to secure a person's

appearance in court;

(c) a plea of guilty or nolo contendere accepted by the court;

(d) the payment of a fine or court costs; or

(e) violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

(6) "Denial" or "denied" means the withdrawal of a driving privilege by the division to which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security, do not apply.

(7) "Director" means the division director appointed under Section 53-3-103.

(8) "Disqualification" means either:

(a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of a person's privileges to drive a commercial motor vehicle;

(b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386, that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part 391; or

(c) the loss of qualification that automatically follows conviction of an offense listed in 49 C.F.R. Part 383.51.

(9) "Division" means the Driver License Division of the department created in Section 53-3-103.

(10) "Downgrade" means to obtain a lower license class than what was originally issued during an existing license cycle.

(11) "Drive" means:

(a) to operate or be in physical control of a motor vehicle upon a highway; and

(b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within the state.

(12) (a) "Driver" means any person who drives, or is in actual physical control of a motor vehicle in any location open to the general public for purposes of vehicular traffic.

(b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person who is required to hold a CDL under Part 4 or federal law.

(13) "Driving privilege card" means the evidence of the privilege granted and issued under this chapter to drive a motor vehicle to a person whose privilege was obtained without providing evidence of lawful presence in the United States.

(14) "Extension" means a renewal completed in a manner specified by the division.

(15) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(16) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

(17) "Identification card" means a card issued under Part 8, Identification Card Act, to a person for identification purposes.

(18) "Indigent" means that a person's income falls below the federal poverty guideline issued annually by the U.S. Department of Health and Human Services in the

Federal Register.

(19) "License" means the privilege to drive a motor vehicle.

(20) (a) "License certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle.

(b) "License certificate" evidence includes a:

- (i) regular license certificate;
- (ii) limited-term license certificate;
- (iii) driving privilege card;
- (iv) CDL license certificate;
- (v) limited-term CDL license certificate;
- (vi) temporary regular license certificate; and
- (vii) temporary limited-term license certificate.

(21) "Limited-term commercial driver license" or "limited-term CDL" means a license:

(a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle; and

(b) that was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-410(1)(i)(ii).

(22) "Limited-term identification card" means an identification card issued under this chapter to a person whose card was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-804(2)(i)(ii).

(23) "Limited-term license certificate" means the evidence of the privilege granted and issued under this chapter to drive a motor vehicle to a person whose privilege was obtained providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(B).

(24) "Motorboat" has the same meaning as provided under Section 73-18-2.

(25) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground.

(26) "Office of Recovery Services" means the Office of Recovery Services, created in Section 62A-11-102.

(27) (a) "Owner" means a person other than a lien holder having an interest in the property or title to a vehicle.

(b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security.

(28) "Regular identification card" means an identification card issued under this chapter to a person whose card was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

(29) "Regular license certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle whose privilege was obtained by providing

evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(A).

(30) "Renewal" means to validate a license certificate so that it expires at a later date.

(31) "Reportable violation" means an offense required to be reported to the division as determined by the division and includes those offenses against which points are assessed under Section 53-3-221.

(32) (a) "Resident" means an individual who:

(i) has established a domicile in this state, as defined in Section 41-1a-202, or regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year;

(ii) engages in a trade, profession, or occupation in this state, or who accepts employment in other than seasonal work in this state, and who does not commute into the state;

(iii) declares himself to be a resident of this state by obtaining a valid Utah driver license certificate or motor vehicle registration; or

(iv) declares himself a resident of this state to obtain privileges not ordinarily extended to nonresidents, including going to school, or placing children in school without paying nonresident tuition or fees.

(b) "Resident" does not include any of the following:

(i) a member of the military, temporarily stationed in this state;

(ii) an out-of-state student, as classified by an institution of higher education, regardless of whether the student engages in any type of employment in this state;

(iii) a person domiciled in another state or country, who is temporarily assigned in this state, assigned by or representing an employer, religious or private organization, or a governmental entity; or

(iv) an immediate family member who resides with or a household member of a person listed in Subsections (32)(b)(i) through (iii).

(33) "Revocation" means the termination by action of the division of a licensee's privilege to drive a motor vehicle.

(34) (a) "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students to and from home and school, or to and from school sponsored events.

(b) "School bus" does not include a bus used as a common carrier as defined in Section 59-12-102.

(35) "Suspension" means the temporary withdrawal by action of the division of a licensee's privilege to drive a motor vehicle.

(36) "Taxicab" means any class D motor vehicle transporting any number of passengers for hire and that is subject to state or federal regulation as a taxi.

Amended by Chapter 252, 2014 General Session

53-3-103. Driver License Division -- Creation -- Director -- Appointment -- Term -- Compensation.

(1) There is created within the department the Driver License Division.

(2) The division shall be administered by a director appointed by the

commissioner with the approval of the governor.

(3) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.

(4) The director acts under the supervision and control of the commissioner and may be removed from his position at the will of the commissioner.

(5) The director shall receive compensation as provided by Title 67, Chapter 19, Utah State Personnel Management Act.

Enacted by Chapter 234, 1993 General Session

53-3-104. Division duties.

The division shall:

(1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules:

(a) for examining applicants for a license, as necessary for the safety and welfare of the traveling public;

(b) for acceptable documentation of an applicant's identity, Social Security number, Utah resident status, Utah residence address, proof of legal presence, proof of citizenship in the United States, honorable or general discharge from the United States military, and other proof or documentation required under this chapter;

(c) regarding the restrictions to be imposed on a person driving a motor vehicle with a temporary learner permit or learner permit;

(d) for exemptions from licensing requirements as authorized in this chapter;
and

(e) establishing procedures for the storage and maintenance of applicant information provided in accordance with Section 53-3-205, 53-3-410, or 53-3-804;

(2) examine each applicant according to the class of license applied for;

(3) license motor vehicle drivers;

(4) file every application for a license received by it and shall maintain indices containing:

(a) all applications denied and the reason each was denied;

(b) all applications granted; and

(c) the name of every licensee whose license has been suspended, disqualified, or revoked by the division and the reasons for the action;

(5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this chapter;

(6) file all accident reports and abstracts of court records of convictions received by it under state law;

(7) maintain a record of each licensee showing the licensee's convictions and the traffic accidents in which the licensee has been involved where a conviction has resulted;

(8) consider the record of a licensee upon an application for renewal of a license and at other appropriate times;

(9) search the license files, compile, and furnish a report on the driving record of any person licensed in the state in accordance with Section 53-3-109;

- (10) develop and implement a record system as required by Section 41-6a-604;
- (11) in accordance with Section 53A-13-208, establish:
 - (a) procedures and standards to certify teachers of driver education classes to administer knowledge and skills tests;
 - (b) minimal standards for the tests; and
 - (c) procedures to enable school districts to administer or process any tests for students to receive a class D operator's license;
- (12) in accordance with Section 53-3-510, establish:
 - (a) procedures and standards to certify licensed instructors of commercial driver training school courses to administer the skills test;
 - (b) minimal standards for the test; and
 - (c) procedures to enable licensed commercial driver training schools to administer or process skills tests for students to receive a class D operator's license;
- (13) provide administrative support to the Driver License Medical Advisory Board created in Section 53-3-303;
- (14) upon request by the lieutenant governor, provide the lieutenant governor with a digital copy of the driver license or identification card signature of a person who is an applicant for voter registration under Section 20A-2-206; and
- (15) in accordance with Section 53-3-407.1, establish:
 - (a) procedures and standards to license a commercial driver license third party tester or commercial driver license third party examiner to administer the commercial driver license skills tests;
 - (b) minimum standards for the commercial driver license skills test; and
 - (c) procedures to enable a licensed commercial driver license third party tester or commercial driver license third party examiner to administer a commercial driver license skills test for an applicant to receive a commercial driver license.

Amended by Chapter 85, 2014 General Session

53-3-104.5. Legislative finding -- Prohibition on implementing REAL ID Act.

(1) As used in this section, "REAL ID Act" means the REAL ID Act of 2005 enacted by the United States Congress as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, Pub. L. No. 109-13.

(2) The Legislature finds that the United States Congress' enactment of the REAL ID Act into law:

- (a) is inimical to the security and well-being of the people of this state;
 - (b) will cause unneeded expense and inconvenience to the people of this state;
- and
- (c) was adopted in violation of the principles of federalism contained in the Tenth Amendment to the United States Constitution.

(3) (a) The state may not participate in the implementation of the REAL ID Act.

(b) The division:

- (i) may not implement the provisions of the REAL ID Act; and
- (ii) shall report to the governor any attempt by an agency or an agent of the United States Department of Homeland Security to secure the implementation of the

REAL ID Act.

(4) This section does not preclude the division from complying with provisions of the REAL ID Act that are already:

- (a) adopted by administrative rule; or
- (b) authorized under this code.

Enacted by Chapter 253, 2010 General Session

53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling, and identification cards.

The following fees apply under this chapter:

- (1) An original class D license application under Section 53-3-205 is \$25.
- (2) An original provisional license application for a class D license under Section 53-3-205 is \$30.
- (3) An original application for a motorcycle endorsement under Section 53-3-205 is \$9.50.
- (4) An original application for a taxicab endorsement under Section 53-3-205 is \$7.
- (5) A learner permit application under Section 53-3-210.5 is \$15.
- (6) A renewal of a class D license under Section 53-3-214 is \$25 unless Subsection (10) applies.
- (7) A renewal of a provisional license application for a class D license under Section 53-3-214 is \$25.
- (8) A renewal of a motorcycle endorsement under Section 53-3-214 is \$9.50.
- (9) A renewal of a taxicab endorsement under Section 53-3-214 is \$7.
- (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is \$13.
- (11) An extension of a class D license under Section 53-3-214 is \$20 unless Subsection (15) applies.
- (12) An extension of a provisional license application for a class D license under Section 53-3-214 is \$20.
- (13) An extension of a motorcycle endorsement under Section 53-3-214 is \$9.50.
- (14) An extension of a taxicab endorsement under Section 53-3-214 is \$7.
- (15) An extension of a class D license for a person 65 and older under Section 53-3-214 is \$11.
- (16) An original or renewal application for a commercial class A, B, or C license or an original or renewal of a provisional commercial class A or B license under Part 4, Uniform Commercial Driver License Act, is:
 - (a) \$40 for the knowledge test; and
 - (b) \$60 for the skills test.
- (17) Each original CDL endorsement for passengers, hazardous material, double or triple trailers, or tankers is \$7.
- (18) An original CDL endorsement for a school bus under Part 4, Uniform Commercial Driver License Act, is \$7.
- (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver

License Act, is \$7.

(20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$20.

(b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.

(21) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.

(22) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$18.

(23) (a) A license reinstatement application under Section 53-3-205 is \$30.

(b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or combination of alcohol and any drug-related offense is \$35 in addition to the fee under Subsection (23)(a).

(24) (a) An administrative fee for license reinstatement after an alcohol, drug, or combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under Part 4, Uniform Commercial Driver License Act, is \$230.

(b) This administrative fee is in addition to the fees under Subsection (23).

(25) (a) An administrative fee for providing the driving record of a driver under Section 53-3-104 or 53-3-420 is \$6.

(b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county, state, or federal agency.

(26) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

(27) (a) Except as provided under Subsections (27)(b) and (c), an identification card application under Section 53-3-808 is \$18.

(b) An identification card application under Section 53-3-808 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$13.

(c) A fee may not be charged for an identification card application if the person applying:

(i) has not been issued a Utah driver license;

(ii) is indigent; and

(iii) is at least 18 years of age.

(28) An extension of a regular identification card under Subsection 53-3-807(5) for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$13.

(29) An extension of a regular identification card under Subsection 53-3-807(6) is \$18.

(30) In addition to any license application fees collected under this chapter, the division shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.

(31) An original mobility vehicle permit application under Section 41-6a-1118 is \$25.

(32) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$25.

(33) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$10.

Amended by Chapter 225, 2014 General Session

Amended by Chapter 252, 2014 General Session

Amended by Chapter 343, 2014 General Session

53-3-106. Disposition of revenues under this chapter -- Restricted account created -- Uses as provided by appropriation -- Nonlapsing.

(1) There is created within the Transportation Fund a restricted account known as the "Department of Public Safety Restricted Account."

(2) The account consists of money generated from the following revenue sources:

(a) all money received under this chapter;
(b) administrative fees received according to the fee schedule authorized under this chapter and Section 63J-1-504;

(c) beginning on January 1, 2013, money received in accordance with Section 41-1a-1201; and

(d) any appropriations made to the account by the Legislature.

(3) (a) The account shall earn interest.

(b) All interest earned on account money shall be deposited in the account.

(4) The expenses of the department in carrying out this chapter shall be provided for by legislative appropriation from this account.

(5) The amount in excess of \$45 of the fees collected under Subsection 53-3-105(24) shall be appropriated by the Legislature from this account to the department to implement the provisions of Section 53-1-117, except that of the amount in excess of \$45, \$100 shall be deposited in the State Laboratory Drug Testing Account created in Section 26-1-34.

(6) All money received under Subsection 41-6a-1406(6)(b)(ii) shall be appropriated by the Legislature from this account to the department to implement the provisions of Section 53-1-117.

(7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000 annually from the account to the state medical examiner appointed under Section 26-4-4 for use in carrying out duties related to highway crash deaths under Subsection 26-4-7(1).

(8) The division shall remit the fees collected under Subsection 53-3-105(30) to the Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.

(9) (a) Beginning on January 1, 2013, the Legislature shall appropriate all money received in the account under Section 41-1a-1201 to the Utah Highway Patrol Division for field operations.

(b) The Legislature may appropriate additional money from the account to the Utah Highway Patrol Division for law enforcement purposes.

(10) Appropriations to the department from the account are nonlapsing.

(11) The department shall report to the Department of Health, on or before December 31, the amount the department expects to collect under Subsection 53-3-105(24) in the next fiscal year.

Amended by Chapter 252, 2014 General Session

Amended by Chapter 343, 2014 General Session

53-3-108. Authority to administer oaths.

Officers and employees of the division designated by the director for the purpose

of administering this chapter may administer oaths and acknowledge signatures and shall do so without fee.

Enacted by Chapter 216, 1999 General Session

53-3-109. Records -- Access -- Fees -- Rulemaking.

(1) (a) Except as provided in this section, all records of the division shall be classified and disclosed in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(b) The division may only disclose personal identifying information:

(i) when the division determines it is in the interest of the public safety to disclose the information; and

(ii) in accordance with the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123.

(c) The division may disclose personal identifying information:

(i) to a licensed private investigator holding a valid agency license, with a legitimate business need;

(ii) to an insurer, insurance support organization, or a self-insured entity, or its agents, employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22, Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities, antifraud activities, rating, or underwriting for any person issued a license certificate under this chapter; or

(iii) to a depository institution as defined in Section 7-1-103 for use in accordance with the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123.

(2) (a) A person who receives personal identifying information shall be advised by the division that the person may not:

(i) disclose the personal identifying information from that record to any other person; or

(ii) use the personal identifying information from that record for advertising or solicitation purposes.

(b) Any use of personal identifying information by an insurer or insurance support organization, or by a self-insured entity or its agents, employees, or contractors not authorized by Subsection (1)(c)(ii) is:

(i) an unfair marketing practice under Section 31A-23a-402; or

(ii) an unfair claim settlement practice under Subsection 31A-26-303(3).

(3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee may disclose portions of a driving record, in accordance with this Subsection (3), to an insurer as defined under Section 31A-1-301, or a designee of an insurer, for purposes of assessing driving risk on the insurer's current motor vehicle insurance policyholders.

(b) The disclosure under Subsection (3)(a) shall:

(i) include the licensed driver's name, driver license number, date of birth, and an indication of whether the driver has had a moving traffic violation that is a reportable violation, as defined under Section 53-3-102 during the previous month;

(ii) be limited to the records of drivers who, at the time of the disclosure, are

covered under a motor vehicle insurance policy of the insurer; and

(iii) be made under a contract with the insurer or a designee of an insurer.

(c) The contract under Subsection (3)(b)(iii) shall specify:

(i) the criteria for searching and compiling the driving records being requested;

(ii) the frequency of the disclosures;

(iii) the format of the disclosures, which may be in bulk electronic form; and

(iv) a reasonable charge for the driving record disclosures under this Subsection

(3).

(4) The division may:

(a) collect fees in accordance with Section 53-3-105 for searching and compiling its files or furnishing a report on the driving record of a person;

(b) prepare under the seal of the division and deliver upon request, a certified copy of any record of the division, and charge a fee under Section 63J-1-504 for each document authenticated; and

(c) charge reasonable fees established in accordance with the procedures and requirements of Section 63J-1-504 for disclosing personal identifying information under Subsection (1)(c).

(5) Each certified copy of a driving record furnished in accordance with this section is admissible in any court proceeding in the same manner as the original.

(6) (a) A driving record furnished under this section may only report on the driving record of a person for a period of 10 years.

(b) Subsection (6)(a) does not apply to court or law enforcement reports, reports of commercial driver license violations, or reports for commercial driver license holders.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to designate:

(a) what information shall be included in a report on the driving record of a person;

(b) the form of a report or copy of the report which may include electronic format;

(c) the form of a certified copy, as required under Section 53-3-216, which may include electronic format;

(d) the form of a signature required under this chapter which may include electronic format;

(e) the form of written request to the division required under this chapter which may include electronic format;

(f) the procedures, requirements, and formats for disclosing personal identifying information under Subsection (1)(c); and

(g) the procedures, requirements, and formats necessary for the implementation of Subsection (3).

(8) (a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created or maintained by the division or any information contained in a record created or maintained by the division for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.

(b) A person who discovers or becomes aware of any unauthorized use of records created or maintained by the division shall inform the commissioner and the

division director of the unauthorized use.

Amended by Chapter 190, 2011 General Session

Amended by Chapter 243, 2011 General Session

53-3-201. Short title.

This part is known as the "Driver Licensing Act."

Enacted by Chapter 234, 1993 General Session

53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.

(1) A person may not drive a motor vehicle on a highway in this state unless the person is:

(a) granted the privilege to operate a motor vehicle by being licensed as a driver by the division under this chapter;

(b) driving an official United States Government class D motor vehicle with a valid United States Government driver permit or license for that type of vehicle;

(c) driving a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved, or propelled on the highways;

(d) a nonresident who is at least 16 years of age and younger than 18 years of age who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country and is driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

(e) a nonresident who is at least 18 years of age and who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country if driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

(f) driving under a learner permit in accordance with Section 53-3-210.5;

(g) driving with a temporary license certificate issued in accordance with Section 53-3-207; or

(h) exempt under Title 41, Chapter 22, Off-Highway Vehicles.

(2) A person may not drive or, while within the passenger compartment of a motor vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a motor vehicle upon a highway unless the person:

(a) holds a valid license issued under this chapter for the type or class of motor vehicle being towed; or

(b) is exempted under either Subsection (1)(b) or (1)(c).

(3) A person may not drive a motor vehicle as a taxicab on a highway of this state unless the person has a taxicab endorsement issued by the division on his license certificate.

(4) (a) Except as provided in Subsections (4)(b) and (c), a person may not operate:

(i) a motorcycle unless the person has a valid class D driver license and a motorcycle endorsement issued under this chapter;

- (ii) a street legal all-terrain vehicle unless the person has a valid class D driver license; or
- (iii) a motor-driven cycle unless the person has a valid class D driver license and a motorcycle endorsement issued under this chapter.
- (b) A person operating a moped, as defined in Section 41-6a-102, or an electric assisted bicycle, as defined in Section 41-6a-102, is not required to have a motorcycle endorsement issued under this chapter.
- (c) A person is not required to have a valid class D driver license if the person is:
 - (i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance with Section 41-6a-1115; or
 - (ii) operating an electric personal assistive mobility device, as defined in Section 41-6a-102, in accordance with Section 41-6a-1116.
- (5) A person who violates this section is guilty of a class C misdemeanor.

Amended by Chapter 253, 2009 General Session

53-3-203. Authorizing or permitting driving in violation of chapter -- Renting of motor vehicles -- License requirements -- Employees must be licensed -- Violations.

- (1) A person may not authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by a person in violation of this chapter.
- (2) (a) A person may not rent a motor vehicle to another person unless the person who will be the driver is licensed in this state, or in the case of a nonresident, licensed under the laws of the state or country of his residence.
- (b) A person may not rent a motor vehicle to another person until he has inspected the license certificate of the person who will be the driver and verified the signature on the license certificate by comparison with the signature of the person who will be the driver written in his presence.
- (c) A person renting a motor vehicle to another shall keep a record of the:
 - (i) registration number of the rented motor vehicle;
 - (ii) name and address of the person to whom the motor vehicle is rented;
 - (iii) number of the license certificate of the renter; and
 - (iv) date and place the license certificate was issued.
- (d) The record is open to inspection by any peace officer or officer or employee of the division.
- (3) A person may not employ a person to drive a motor vehicle who is not licensed as required under this chapter.
- (4) A person who violates Subsection (1), (2)(a), or (3) is guilty of a class C misdemeanor.

Amended by Chapter 51, 1997 General Session

53-3-204. Persons who may not be licensed.

- (1) (a) The division may not license a person who:
 - (i) is younger than 16 years of age;
 - (ii) if the person is 18 years of age or younger, has not completed a course in

driver training approved by the commissioner;

(iii) if the person is 19 years of age or older has not completed:

(A) a course in driver training approved by the commissioner; or

(B) the requirements under Subsection 53-3-210.5(6)(c);

(iv) if the person is a minor as defined in Section 53-3-211, has not completed the driving requirement under Section 53-3-211;

(v) is not a resident of the state, unless the person is issued a temporary CDL under Subsection 53-3-407(2)(b); or

(vi) if the person is 17 years of age or younger, has not held a learner permit issued under Section 53-3-210.5 or an equivalent by another state or branch of the United States Armed Forces for six months.

(b) Subsections (1)(a)(i), (ii), (iii), (iv), and (vi) do not apply to a person:

(i) who has been licensed before July 1, 1967; or

(ii) who is 16 years of age or older making application for a license who has been licensed in another state or country.

(2) The division may not issue a license certificate to a person:

(a) whose license has been suspended, denied, cancelled, or disqualified during the period of suspension, denial, cancellation, or disqualification;

(b) whose privilege has been revoked, except as provided in Section 53-3-225;

(c) who has previously been adjudged mentally incompetent and who has not at the time of application been restored to competency as provided by law;

(d) who is required by this chapter to take an examination unless the person successfully passes the examination;

(e) whose driving privileges have been denied or suspended under:

(i) Section 78A-6-606 by an order of the juvenile court; or

(ii) Section 53-3-231; or

(f) beginning on or after July 1, 2012, who holds an unexpired Utah identification card issued under Part 8, Identification Card Act, unless:

(i) the Utah identification card is canceled; and

(ii) if the Utah identification card is in the person's possession, the Utah identification card is surrendered to the division.

(3) (a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle endorsement to a person who:

(i) has not been granted an original or provisional class D license, a CDL, or an out-of-state equivalent to an original or provisional class D license or a CDL; and

(ii) if the person is under 19 years of age, has not held a motorcycle learner permit for two months unless Subsection (3)(b) applies.

(b) The division may waive the two month motorcycle learner permit holding period requirement under Subsection (3)(a)(ii) if the person proves to the satisfaction of the division that the person has completed a motorcycle rider education program that meets the requirements under Section 53-3-903.

(c) The division may grant a motorcycle endorsement to a person under 19 years of age who has not held a motorcycle learner permit for two months if the person was issued a motorcycle endorsement prior to July 1, 2008.

(4) The division may grant a class D license to a person whose commercial license is disqualified under Part 4, Uniform Commercial Driver License Act, if the

person is not otherwise sanctioned under this chapter.

Amended by Chapter 58, 2014 General Session

53-3-205. Application for license or endorsement -- Fee required -- Tests -- Expiration dates of licenses and endorsements -- Information required -- Previous licenses surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required -- License agreement.

(1) An application for any original license, provisional license, or endorsement shall be:

- (a) made upon a form furnished by the division; and
- (b) accompanied by a nonrefundable fee set under Section 53-3-105.

(2) An application and fee for an original provisional class D license or an original class D license entitle the applicant to:

- (a) not more than three attempts to pass both the knowledge and the skills tests for a class D license within six months of the date of the application;
- (b) a learner permit if needed pending completion of the application and testing process; and
- (c) an original class D license and license certificate after all tests are passed and requirements are completed.

(3) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:

- (a) not more than three attempts to pass both the knowledge and skills tests within six months of the date of the application;
- (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
- (c) a motorcycle or taxicab endorsement when all tests are passed.

(4) An application and fees for a commercial class A, B, or C license entitle the applicant to:

- (a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months of the date of the application;
- (b) a commercial driver instruction permit if needed after the knowledge test is passed; and
- (c) an original commercial class A, B, or C license and license certificate when all applicable tests are passed.

(5) An application and fee for a CDL endorsement entitle the applicant to:

- (a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months of the date of the application; and
- (b) a CDL endorsement when all tests are passed.

(6) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement test within the number of attempts provided in Subsection (4) or (5), each test may be taken two additional times within the six months for the fee provided in Section 53-3-105.

(7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license expires on the birth date of the applicant in the fifth year following the year the license certificate was issued.

(b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension to a license expires on the birth date of the licensee in the fifth year following the expiration date of the license certificate renewed or extended.

(c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on the same date as the last license certificate issued.

(d) An endorsement to a license expires on the same date as the license certificate regardless of the date the endorsement was granted.

(e) (i) A regular license certificate and any endorsement to the regular license certificate held by a person described in Subsection (7)(e)(ii), which expires during the time period the person is stationed outside of the state, is valid until 90 days after the person's orders have been terminated, the person has been discharged, or the person's assignment has been changed or terminated, unless:

(A) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or

(B) the licensee updates the information or photograph on the license certificate.

(ii) The provisions in Subsection (7)(e)(i) apply to a person:

(A) ordered to active duty and stationed outside of Utah in any of the armed forces of the United States;

(B) who is an immediate family member or dependent of a person described in Subsection (7)(e)(ii)(A) and is residing outside of Utah;

(C) who is a civilian employee of the United States State Department or United States Department of Defense and is stationed outside of the United States; or

(D) who is an immediate family member or dependent of a person described in Subsection (7)(e)(ii)(C) and is residing outside of the United States.

(f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a renewal to a limited-term license certificate expires:

(A) on the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided under this Subsection (7), whichever is sooner; or

(B) on the date of issuance in the first year following the year that the limited-term license certificate was issued if there is no definite end to the individual's period of authorized stay.

(ii) A limited-term license certificate or a renewal to a limited-term license certificate issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth year following the year that the limited-term license certificate was issued.

(g) A driving privilege card issued or renewed under Section 53-3-207 expires on the birth date of the applicant in the first year following the year that the driving privilege card was issued or renewed.

(h) An original license or a renewal to an original license expires on the birth date of the applicant in the first year following the year that the license was issued if the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

(8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative Procedures Act, for requests for agency action, each applicant shall:

(i) provide:

- (A) the applicant's full legal name;
- (B) the applicant's birth date;
- (C) the applicant's gender;
- (D) (I) documentary evidence of the applicant's valid Social Security number;
- (II) written proof that the applicant is ineligible to receive a Social Security number;
- (III) the applicant's temporary identification number (ITIN) issued by the Internal Revenue Service for a person who:
 - (Aa) does not qualify for a Social Security number; and
 - (Bb) is applying for a driving privilege card; or
 - (IV) other documentary evidence approved by the division;
 - (E) the applicant's Utah residence address as documented by a form or forms acceptable under rules made by the division under Section 53-3-104, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b); and
 - (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person is applying for a driving privilege card;
- (ii) provide evidence of the applicant's lawful presence in the United States by providing documentary evidence:
 - (A) that a person is:
 - (I) a United States citizen;
 - (II) a United States national; or
 - (III) a legal permanent resident alien; or
 - (B) of the applicant's:
 - (I) unexpired immigrant or nonimmigrant visa status for admission into the United States;
 - (II) pending or approved application for asylum in the United States;
 - (III) admission into the United States as a refugee;
 - (IV) pending or approved application for temporary protected status in the United States;
 - (V) approved deferred action status;
 - (VI) pending application for adjustment of status to legal permanent resident or conditional resident; or
 - (VII) conditional permanent resident alien status;
 - (iii) provide a description of the applicant;
 - (iv) state whether the applicant has previously been licensed to drive a motor vehicle and, if so, when and by what state or country;
 - (v) state whether the applicant has ever had any license suspended, cancelled, revoked, disqualified, or denied in the last 10 years, or whether the applicant has ever had any license application refused, and if so, the date of and reason for the suspension, cancellation, revocation, disqualification, denial, or refusal;
 - (vi) state whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
 - (vii) state whether the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
 - (viii) state whether the applicant is a veteran of the United States military,

provide verification that the applicant was granted an honorable or general discharge from the United States Armed Forces, and state whether the applicant does or does not authorize sharing the information with the state Department of Veterans' and Military Affairs;

(ix) provide all other information the division requires; and

(x) sign the application which signature may include an electronic signature as defined in Section 46-4-102.

(b) Each applicant shall have a Utah residence address, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b).

(c) Each applicant shall provide evidence of lawful presence in the United States in accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

(d) The division shall maintain on its computerized records an applicant's:

(i) (A) Social Security number;

(B) temporary identification number (ITIN); or

(C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies;

and

(ii) indication whether the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

(9) The division shall require proof of every applicant's name, birthdate, and birthplace by at least one of the following means:

(a) current license certificate;

(b) birth certificate;

(c) Selective Service registration; or

(d) other proof, including church records, family Bible notations, school records, or other evidence considered acceptable by the division.

(10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a higher class than what the applicant originally was issued:

(i) the license application shall be treated as an original application; and

(ii) license and endorsement fees shall be assessed under Section 53-3-105.

(b) An applicant that receives a downgraded license in a lower license class during an existing license cycle that has not expired:

(i) may be issued a duplicate license with a lower license classification for the remainder of the existing license cycle; and

(ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a duplicate license is issued under Subsection (10)(b)(i).

(c) An applicant who has received a downgraded license in a lower license class under Subsection (10)(b):

(i) may, when eligible, receive a duplicate license in the highest class previously issued during a license cycle that has not expired for the remainder of the existing license cycle; and

(ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a duplicate license is issued under Subsection (10)(c)(i).

(11) (a) When an application is received from a person previously licensed in another state to drive a motor vehicle, the division shall request a copy of the driver's record from the other state.

(b) When received, the driver's record becomes part of the driver's record in this state with the same effect as though entered originally on the driver's record in this state.

(12) An application for reinstatement of a license after the suspension, cancellation, disqualification, denial, or revocation of a previous license shall be accompanied by the additional fee or fees specified in Section 53-3-105.

(13) A person who has an appointment with the division for testing and fails to keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105.

(14) A person who applies for an original license or renewal of a license agrees that the person's license is subject to any suspension or revocation authorized under this title or Title 41, Motor Vehicles.

(15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by the licensee in accordance with division rule.

(b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-102, the names and addresses of all persons who under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.

(ii) An organ procurement organization may use released information only to:

(A) obtain additional information for an anatomical gift registry; and

(B) inform licensees of anatomical gift options, procedures, and benefits.

(16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans' and Military Affairs the names and addresses of all persons who indicate their status as a veteran under Subsection (8)(a)(viii).

(17) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

(a) loss;

(b) detriment; or

(c) injury.

(18) A person who knowingly fails to provide the information required under Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

(19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.

(b) On or after December 1, 2014, a person born on or after December 1, 1964:

(i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and

(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.

(c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (19), the division shall cancel the Utah identification card on December 1, 2014.

(20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification

card.

(b) On or after December 1, 2017, a person born prior to December 1, 1964:

(i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and

(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.

(c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (20), the division shall cancel the Utah identification card on December 1, 2017.

(21) (a) A person who applies for an original motorcycle endorsement to a regular license certificate is exempt from the requirement to pass the knowledge and skills test to be eligible for the motorcycle endorsement if the person:

(i) is a resident of the state of Utah;

(ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States; or

(B) is an immediate family member or dependent of a person described in Subsection (21)(a)(ii)(A) and is residing outside of Utah;

(iii) has a digitized driver license photo on file with the division;

(iv) provides proof to the division of the successful completion of a certified Motorcycle Safety Foundation rider training course; and

(v) provides the necessary information and documentary evidence required under Subsection (8).

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:

(i) establishing the procedures for a person to obtain a motorcycle endorsement under this Subsection (21); and

(ii) identifying the applicable restrictions for a motorcycle endorsement issued under this Subsection (21).

Amended by Chapter 85, 2014 General Session

53-3-205.5. Fingerprint and photograph submission required for driving privilege card applicants and cardholders.

(1) (a) Every applicant for a driving privilege card shall submit fingerprints and a photograph in a sealed envelope provided by the Bureau of Criminal Identification or a law enforcement agency with the application to the division.

(b) A person that renews a driving privilege card shall submit fingerprints and a photograph in a sealed envelope provided by the Bureau of Criminal Identification or a law enforcement agency to the division if the person has not previously submitted fingerprints and a photograph to the division.

(c) The fingerprinting and photograph submission required under this Subsection (1) shall be conducted by:

(i) the Bureau of Criminal Identification; or

(ii) a law enforcement agency that has the capability of handling fingerprint and photograph submissions.

(2) The division shall submit fingerprints for each person described in Subsection (1) to the Bureau of Criminal Identification established in Section 53-10-201.

(3) The Bureau of Criminal Identification shall:

(a) check the fingerprints submitted under Subsection (1) against the applicable state and regional criminal records databases; and

(b) notify:

(i) the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security if the person has a felony in the person's criminal history record; or

(ii) the law enforcement agency that is directed to execute a warrant of arrest if an outstanding warrant of arrest has been issued against the person.

(4) (a) The Bureau of Criminal Identification shall maintain a separate file of fingerprints submitted under Subsection (1) and notify the following persons when a new entry is made in the applicable state and regional database against a person whose fingerprints are held in the file:

(i) the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security if the person is involved in an arrest under state law involving a felony; or

(ii) the law enforcement agency that is directed to execute a warrant of arrest if an outstanding warrant of arrest is issued against the person.

(b) Upon request of the agency described in Subsection (4)(a)(i), the Bureau of Criminal Identification shall inform the agency whether a person whose arrest was reported under Subsection (4)(a)(i) was subsequently convicted of the charge for which the person was arrested.

(5) In addition to any fees imposed under this chapter, the division shall:

(a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under this section; and

(b) remit the fees collected under Subsection (5)(a) to the Bureau of Criminal Identification.

Enacted by Chapter 428, 2011 General Session

53-3-205.6. Emergency contact database.

(1) (a) The division shall establish a database of the emergency contacts of a person who holds a license certificate, learner permit, identification card, or any other type of license or permit issued under this chapter.

(b) Information in the database created under this section may only be accessed by:

(i) employees of the division;

(ii) law enforcement officers employed by a law enforcement agency; and

(iii) employees or authorized agents of a law enforcement agency.

(c) A law enforcement officer may share information contained in the emergency contact database with other public safety workers on the scene of a motor vehicle accident or other emergency situation, as needed to conduct official law enforcement duties.

(2) A person holding a license certificate, learner permit, identification card, or any other type of license or permit issued under this chapter may provide the division, in a manner specified by the division, the name, address, telephone number, and relationship to the holder of no more than two emergency contact persons whom the holder wishes to be contacted by a law enforcement officer if the holder:

- (a) is involved in a motor vehicle accident or other emergency situation; and
- (b) is unable to communicate with the contact person or persons.

(3) The information contained in the database created under this section:

- (a) shall only be used for the purposes described in this section; and
- (b) may not be used for criminal investigation purposes.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing the procedures to implement this section including:

- (a) specifying the method for a license certificate, instruction permit, or identification card holder to provide the division with emergency contact information;
- (b) specifying the method for a license certificate, learner permit, or identification card holder to change the emergency contact information; and
- (c) other rules required for the implementation of the database or its operation that the division determines necessary to implement the provisions of this section.

(5) (a) If a person involved in a motor vehicle accident or other emergency situation is unable to communicate with the contact person or persons specified in the database, a law enforcement officer shall make a good faith effort to notify the contact person or persons of the situation.

(b) A law enforcement officer or a law enforcement agency that employs a law enforcement officer may not incur any liability if the law enforcement officer is not able to make contact with a designated emergency contact person.

(c) Except for willful or wanton misconduct, a law enforcement officer or a law enforcement agency that employs a law enforcement officer may not incur any liability relating to the reporting or use of the database during a motor vehicle accident or other emergency situation.

(6) The division is not liable for any damages, costs, or expenses arising or resulting from any inaccurate or incomplete data or system unavailability.

Enacted by Chapter 252, 2012 General Session

53-3-206. Examination of applicant's physical and mental fitness to drive a motor vehicle.

(1) The division shall examine every applicant for a license, including a test of the applicant's:

- (a) eyesight either:
 - (i) by the division; or
 - (ii) by allowing the applicant to furnish to the division a statement from a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- (b) ability to read and understand highway signs regulating, warning, and directing traffic;

(c) ability to read and understand simple English used in highway traffic and directional signs;

(d) knowledge of the state traffic laws;

(e) other physical and mental abilities the division finds necessary to determine the applicant's fitness to drive a motor vehicle safely on the highways; and

(f) ability to exercise ordinary and responsible control driving a motor vehicle, as determined by actual demonstration or other indicator.

(2) (a) Notwithstanding the provisions of Subsection (1) or any other provision of law, the division shall allow a refugee or an approved asylee to take an examination of the person's knowledge of the state traffic laws in the person's native language the first time the person applies for a limited-term license certificate.

(b) Upon renewal of a refugee's or approved asylee's limited-term license certificate for a refugee or approved asylee that has taken the knowledge exam in the person's native language under Subsection (2)(a), the division shall re-examine the person's knowledge of the state traffic laws in English.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing the procedures and requirements for a refugee or an approved asylee to take an examination of the person's knowledge of the state traffic laws in the person's native language.

(3) The division shall determine whether any facts exist that would bar granting a license under Section 53-3-204.

(4) The division shall examine each applicant according to the class of license applied for.

(5) An applicant for a CDL shall meet all additional requirements of Part 4 of this chapter.

Amended by Chapter 415, 2011 General Session

53-3-207. License certificates or driving privilege cards issued to drivers by class of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.

(1) As used in this section:

(a) "Driving privilege" means the privilege granted under this chapter to drive a motor vehicle.

(b) "Governmental entity" means the state and its political subdivisions as defined in this Subsection (1).

(c) "Political subdivision" means any county, city, town, school district, public transit district, community development and renewal agency, special improvement or taxing district, local district, special service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public corporation.

(d) "State" means this state, and includes any office, department, agency, authority, commission, board, institution, hospital, college, university, children's justice center, or other instrumentality of the state.

(2) (a) The division shall issue to every person privileged to drive a motor

vehicle, a regular license certificate, a limited-term license certificate, or a driving privilege card indicating the type or class of motor vehicle the person may drive.

(b) A person may not drive a class of motor vehicle unless granted the privilege in that class.

(3) (a) Every regular license certificate, limited-term license certificate, or driving privilege card shall bear:

(i) the distinguishing number assigned to the person by the division;

(ii) the name, birth date, and Utah residence address of the person;

(iii) a brief description of the person for the purpose of identification;

(iv) any restrictions imposed on the license under Section 53-3-208;

(v) a photograph of the person;

(vi) a photograph or other facsimile of the person's signature;

(vii) an indication whether the person intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended under Subsection 53-3-214(3); and

(viii) except as provided in Subsection (3)(b), if the person states that the person is a veteran of the United States military on the application for a driver license in accordance with Section 53-3-205 and provides verification that the person was granted an honorable or general discharge from the United States Armed Forces, an indication that the person is a United States military veteran for a regular license certificate or limited-term license certificate issued on or after July 1, 2011.

(b) A regular license certificate or limited-term license certificate issued to any person younger than 21 years on a portrait-style format as required in Subsection (5)(b)(i) is not required to include an indication that the person is a United States military veteran under Subsection (3)(a)(viii).

(c) A new license certificate issued by the division may not bear the person's Social Security number.

(d) (i) The regular license certificate, limited-term license certificate, or driving privilege card shall be of an impervious material, resistant to wear, damage, and alteration.

(ii) Except as provided under Subsection (4)(b), the size, form, and color of the regular license certificate, limited-term license certificate, or driving privilege card shall be as prescribed by the commissioner.

(iii) The commissioner may also prescribe the issuance of a special type of limited regular license certificate, limited-term license certificate, or driving privilege card under Subsection 53-3-220(4).

(4) (a) (i) The division, upon determining after an examination that an applicant is mentally and physically qualified to be granted a driving privilege, may issue to an applicant a receipt for the fee if the applicant is eligible for a regular license certificate or limited-term license certificate.

(ii) (A) The division shall issue a temporary regular license certificate or temporary limited-term license certificate allowing the person to drive a motor vehicle while the division is completing its investigation to determine whether the person is entitled to be granted a driving privilege.

(B) A temporary regular license certificate or a temporary limited-term license certificate issued under this Subsection (4) shall be recognized and have the same

rights and privileges as a regular license certificate or a limited-term license certificate.

(b) The temporary regular license certificate or temporary limited-term license certificate shall be in the person's immediate possession while driving a motor vehicle, and it is invalid when the person's regular license certificate or limited-term license certificate has been issued or when, for good cause, the privilege has been refused.

(c) The division shall indicate on the temporary regular license certificate or temporary limited-term license certificate a date after which it is not valid as a temporary license.

(d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a temporary driving privilege card or other temporary permit to an applicant for a driving privilege card.

(ii) The division may issue a learner permit issued in accordance with Section 53-3-210.5 to an applicant for a driving privilege card.

(5) (a) The division shall distinguish learner permits, temporary permits, regular license certificates, limited-term license certificates, and driving privilege cards issued to any person younger than 21 years of age by use of plainly printed information or the use of a color or other means not used for other regular license certificates, limited-term license certificates, or driving privilege cards.

(b) The division shall distinguish a regular license certificate, limited-term license certificate, or driving privilege card issued to any person:

(i) younger than 21 years of age by use of a portrait-style format not used for other regular license certificates, limited-term license certificates, or driving privilege cards and by plainly printing the date the regular license certificate, limited-term license certificate, or driving privilege card holder is 21 years of age, which is the legal age for purchasing an alcoholic beverage or alcoholic product under Section 32B-4-403; and

(ii) younger than 19 years of age, by plainly printing the date the regular license certificate, limited-term license certificate, or driving privilege card holder is 19 years of age, which is the legal age for purchasing tobacco products under Section 76-10-104.

(6) The division shall distinguish a limited-term license certificate by clearly indicating on the document:

(a) that it is temporary; and

(b) its expiration date.

(7) (a) The division shall only issue a driving privilege card to a person whose privilege was obtained without providing evidence of lawful presence in the United States as required under Subsection 53-3-205(8).

(b) The division shall distinguish a driving privilege card from a license certificate by:

(i) use of a format, color, font, or other means; and

(ii) clearly displaying on the front of the driving privilege card a phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

(8) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary permit, temporary regular license certificate, temporary limited-term license certificate, or any other temporary permit.

(9) The division shall issue temporary license certificates of the same nature, except as to duration, as the license certificates that they temporarily replace, as are

necessary to implement applicable provisions of this section and Section 53-3-223.

(10) (a) A governmental entity may not accept a driving privilege card as proof of personal identification.

(b) A driving privilege card may not be used as a document providing proof of a person's age for any government required purpose.

(11) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.

(12) Unless otherwise provided, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a:

(a) driving privilege in the same way as a license or limited-term license issued under this chapter; and

(b) limited-term license certificate or driving privilege card in the same way as a regular license certificate issued under this chapter.

Amended by Chapter 85, 2014 General Session

53-3-208. Restrictions.

(1) (a) When granting a license, the division may for good cause impose restrictions, suitable to the licensee's driving ability, for the type of motor vehicle or special mechanical control devices required on a motor vehicle that the licensee may drive.

(b) The division may impose other restrictions on the licensee as it determines appropriate to assure safe driving of a motor vehicle by the licensee.

(2) The division may either grant a special restricted license or may set forth restrictions upon the regular license certificate.

(3) (a) The division may suspend or revoke any license upon receiving satisfactory evidence of any violation of the restrictions imposed on the license.

(b) Each licensee is entitled to a hearing for a suspension or revocation under this chapter.

(4) It is a class C misdemeanor for a person to drive a motor vehicle in violation of the restrictions imposed on his license under this section.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-209. Provisional licenses only for persons under 21 -- Separate point system -- Denial and suspension procedures.

(1) The division may only grant a provisional license to a person younger than 21 years of age.

(2) (a) The division shall make rules for the establishment and administration of a separate point system for persons granted provisional licenses to facilitate counseling, penalization, or both earlier than for persons 21 years of age or older.

(b) The rules shall establish point thresholds at which each of the following actions are taken:

(i) a warning letter;

(ii) a request to appear for a hearing;

(iii) a denial of the driving privilege for first or second actions where the point total established under Section 53-3-221 does not exceed the point threshold under

which a person 21 years or older may be suspended; and

(iv) a suspension of the driving privilege.

(c) The rules shall require:

(i) an extension of the denial or suspension period for further violations within the three-year period; and

(ii) denial or suspension of the driving privilege for failure to appear for a hearing required under this section.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-210.5. Learner permit.

(1) Beginning on August 1, 2006, the division, upon receiving an application for a learner permit, may issue a learner permit effective for one year to an applicant who is at least 15 years of age.

(2) (a) The learner permit entitles an applicant that is 18 years of age or older to operate a class D motor vehicle only if:

(i) a person 21 years of age or older who is a licensed driver is occupying a seat beside the applicant; and

(ii) the applicant has the learner permit in the applicant's immediate possession while operating the motor vehicle.

(b) The learner permit entitles an applicant that is younger than 18 years of age to operate a class D motor vehicle only if:

(i) (A) an approved driving instructor is occupying a seat beside the applicant;

(B) the applicant's parent or legal guardian, who must be a licensed driver, is occupying a seat beside the applicant; or

(C) a responsible adult who has signed for the applicant under Section 53-3-211 and who must be a licensed driver, is occupying a seat beside the applicant; and

(ii) the applicant has the learner permit in the applicant's immediate possession while operating the motor vehicle.

(3) The division shall issue a learner permit to an applicant who:

(a) is at least 15 years of age;

(b) has passed the knowledge test required by the division;

(c) has passed the physical and mental fitness tests; and

(d) has submitted a nonrefundable fee for a learner permit under Section 53-3-105.

(4) (a) The division shall supply the learner permit form.

(b) The form under Subsection (4)(a) shall include:

(i) the applicant's full name, date of birth, sex, Utah residence address, height, weight, and eye color;

(ii) the date of issuance and expiration of the permit; and

(iii) the conditions and restrictions contained in this section for operating a class D motor vehicle.

(5) An application and fee for a learner permit entitle the applicant to:

(a) not more than three attempts to pass the knowledge test for a class D license within one year; and

(b) a learner permit after the knowledge test is passed.

(6) (a) If an applicant has been issued a learner permit under this section, the applicant may be issued an original or provisional class D license from the division upon:

- (i) completing a driver education course in a:
 - (A) commercial driver training school licensed under Part 5, Commercial Driver Training Schools Act; or
 - (B) driver education program approved by the State Board of Education or the division;
- (ii) passing the skills test approved by the division;
- (iii) reaching 16 years of age; and
- (iv) paying the nonrefundable fee for an original or provisional class D license application under Section 53-3-105.

(b) In addition to the requirements under Subsection (6)(a), an applicant who is 17 years of age or younger is required to hold a learner permit for six months before applying for a provisional class D license.

(c) An applicant is exempt from the requirement under Subsection (6)(a)(i) if the applicant:

- (i) is 19 years of age or older;
- (ii) holds a learner permit for three months before applying for an original class D license; and
- (iii) certifies that the applicant, under the authority of a permit issued under this chapter, has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours were completed during night hours after sunset.

Amended by Chapter 176, 2012 General Session

53-3-210.6. Motorcycle learner permit.

(1) The division, upon receiving an application for a motorcycle learner permit, may issue a motorcycle learner permit effective for six months to an applicant who:

- (a) holds an original or provisional class D license, a CDL, or an out-of-state equivalent of an original or provisional class D license or a CDL; and
- (b) has passed the motorcycle knowledge test.

(2) A motorcycle learner permit entitles an applicant to operate a motorcycle on a highway subject to the restrictions in Subsection (3).

(3) (a) For the first two months from the date a motorcycle learner permit is issued, the operator of a motorcycle holding the motorcycle learner permit may not operate a motorcycle:

- (i) on a highway with a posted speed limit of more than 60 miles per hour;
- (ii) with any passengers; or
- (iii) during the nighttime hours after 10 p.m. and before 6 a.m.

(b) For the third through sixth months from the date a motorcycle learner permit is issued, the operator of a motorcycle holding the motorcycle learner permit may operate a motorcycle without any restrictions imposed under this Subsection (3).

(c) It is an affirmative defense to a charge that a person who has been issued a motorcycle learner permit is operating a motorcycle in violation of the restrictions under Subsection (3)(a) if the person is operating the motorcycle:

(i) for the operator's employment, including the trip to and from the operator's residence and the operator's employment;

(ii) on assignment of a rancher or farmer and the operator is engaged in an agricultural operation; or

(iii) in an emergency.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules governing the issuance of a motorcycle learner permit and establishing the proof requirements for an applicant to demonstrate that the applicant has completed a motorcycle rider education program.

Enacted by Chapter 304, 2008 General Session

53-3-211. Application of minors -- Liability of person signing application -- Cancellation of cosigning adult's liability -- Behind-the-wheel driving certification.

(1) As used in this section, "minor" means any person younger than 18 years of age who is not married or has not been emancipated by adjudication.

(2) (a) The application of a minor for a learner permit or provisional license shall be signed by the parent or guardian of the applicant.

(b) If the minor applicant does not have a parent or guardian or is in the legal custody of the Division of Child and Family Services, then a parent or responsible adult who is willing to assume the obligation imposed under this chapter may sign the application.

(3) (a) Except as provided in Subsection (4), the liability of a minor for civil compensatory damages caused when operating a motor vehicle upon a highway is imputed to the person who has signed the application of the minor under Subsection (2).

(b) The person who has signed the application under Subsection (2) is jointly and severally liable with the minor as provided in Subsections (3)(a) and (c).

(c) The liability imposed under Subsections (3)(a) and (b) is limited to the policy minimum limits established in Section 31A-22-304.

(d) The liability provisions in this Subsection (3) are in addition to the liability provisions in Section 53-3-212.

(4) (a) If owner's or operator's security covering the minor's operation of the motor vehicle is in effect in amounts as required under Section 31A-22-304, the person who signed the minor's application under Subsection (2) is not subject to the liability imposed under Subsection (3).

(b) Notwithstanding the requirement under Subsection (3), if a foster parent signs an application under Subsection (2) for a minor who is in the legal custody of the Division of Child and Family Services and who resides with the foster parent, the foster parent's liability may not exceed the greater of:

(i) minimum liability insurance policy limits established under Section 31A-22-304; or

(ii) the policy limits of the foster parent's liability insurance policy issued in accordance with Section 31A-22-302 that were in effect at the time damages were caused by the minor's operation of a motor vehicle.

(5) (a) A person who has signed the application of a minor under Subsection (2)

may file with the division a verified written request that the permit or license of the minor be canceled.

(b) The division shall then cancel the permit or license of the minor, and the person who signed the application of the minor under Subsection (2) is relieved from the liability imposed under Subsection (3) or the minor operating a motor vehicle subsequent to the cancellation.

(6) (a) The division upon receipt of satisfactory evidence of the death of the person who signed the application of a minor under Subsection (2) shall cancel the permit or license and may not issue a new permit or license until a new application, signed and verified, is made under this chapter.

(b) This Subsection (6) does not apply to an application of a person who is no longer a minor.

(7) (a) In addition to the liability assumed under this section, the person who signs the application of a minor for a provisional license must certify that the minor applicant, under the authority of a permit issued under this chapter, has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours shall be during night hours after sunset.

(b) The hours of driving a motor vehicle required under Subsection (7)(a) may include:

(i) hours completed in a driver education course as required under Subsection 53-3-505.5(1); and

(ii) up to five hours completed by driving simulation practice on a fully interactive driving simulation device at the substitution rate provided under Subsection 53-3-505.5(2)(b).

Amended by Chapter 314, 2008 General Session

53-3-212. Owner giving permission and minor liable for damages caused by minor driving a motor vehicle.

(1) (a) The owner of a motor vehicle causing or knowingly permitting a person younger than 18 years of age to drive the motor vehicle on a highway, or a person who gives or furnishes a motor vehicle to the minor, are each jointly and severally liable with the minor for any damages caused by the negligence of the minor in driving the motor vehicle.

(b) If owner's or operator's security covering the minor's operation of the motor vehicle is in effect in amounts as required under Section 31A-22-304, the owner of the motor vehicle or the person who gave or furnished the motor vehicle to the minor under Subsection (1) is not subject to the liability imposed under Subsection (1).

(2) Nothing under Subsection (1) prohibits a cause of action for any direct negligence on the part of the person furnishing the motor vehicle to the minor.

(3) This liability provision is in addition to the liability provisions in Section 53-3-211.

Amended by Chapter 86, 2010 General Session

53-3-213. Age and experience requirements to drive school bus or certain

**other carriers -- Misdemeanor to drive unauthorized class of motor vehicle --
Waiver of driving examination by third party certification.**

- (1) (a) A person must be at least 21 years of age:
 - (i) to drive any school bus;
 - (ii) to drive any commercial motor vehicle outside this state; or
 - (iii) while transporting passengers for hire or hazardous materials.
- (b) Subject to the requirements of Subsection (1)(a), the division may grant a commercial driver license to any applicant who is at least 18 years of age and has had at least one year of previous driving experience.
- (c) It is a class C misdemeanor for any person to drive a class of motor vehicle for which he is not licensed.
- (2) (a) At the discretion of the commissioner and under standards established by the division, persons employed as commercial drivers may submit a third party certification as provided in Part 4, Uniform Commercial Driver License Act, in lieu of the driving segment of the examination.
- (b) The division shall maintain necessary records and set standards to certify companies desiring to qualify under Subsection (2)(a).

Amended by Chapter 324, 2010 General Session

53-3-214. Renewal -- Fees required -- Extension without examination.

- (1) (a) The holder of a valid license may renew the holder's license and any endorsement to the license by applying:
 - (i) at any time within six months before the license expires; or
 - (ii) more than six months prior to the expiration date if the applicant furnishes proof that the applicant will be absent from the state during the six-month period prior to the expiration of the license.
- (b) The application for a renewal of, extension of, or any endorsement to a license shall be accompanied by a fee under Section 53-3-105.
- (2) (a) Except as provided under Subsections (2)(b) and (3), upon application for renewal of a regular license certificate, provisional license, and any endorsement to a regular license certificate, the division shall reexamine each applicant as if for an original license and endorsement to the license, if applicable.
- (b) Except as provided under Subsection (2)(c), upon application for renewal of a limited-term license certificate, limited-term provisional license certificate, and any endorsement to a limited-term license certificate, the division shall:
 - (i) reexamine each applicant as if for an original limited-term license certificate and endorsement to the limited-term license certificate, if applicable; and
 - (ii) verify through valid documentary evidence that the status by which the individual originally qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.
- (c) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.
- (3) (a) Except as provided under Subsections (3)(b) and (c), the division may

extend a regular license certificate, any endorsement to the regular license certificate, a provisional license, and any endorsement to a provisional license for five years without examination for licensees whose driving records for the five years immediately preceding the determination of eligibility for extension show:

- (i) no suspensions;
- (ii) no revocations;
- (iii) no conviction for reckless driving under Section 41-6a-528; and
- (iv) no more than four reportable violations in the preceding five years.

(b) Except as provided in Subsection (3)(g), after the expiration of a regular license certificate, a new regular license certificate and any endorsement to a regular license certificate may not be issued until the person has again passed the tests under Section 53-3-206 and paid the required fee.

(c) After the expiration of a limited-term license certificate, a new limited-term license certificate and any endorsement to a limited-term license certificate may not be issued until the person has:

- (i) again passed the tests under Section 53-3-206 and paid the required fee; and
- (ii) presented documentary evidence that the status by which the individual originally qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

(d) A person 65 years of age or older shall take and pass the eye examination specified in Section 53-3-206.

(e) An extension may not be granted to any person:

- (i) who is identified by the division as having a medical impairment that may represent a hazard to public safety;
- (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial Driver License Act;
- (iii) who is holding a limited-term license certificate; or
- (iv) who is holding a driving privilege card issued in accordance with Section 53-3-207.

(f) The division shall allow extensions:

- (i) by mail, electronic means, or other means as determined by the division at the appropriate extension fee rate under Section 53-3-105;
- (ii) only if the applicant qualifies under this section; and
- (iii) for only one extension.

(g) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

Amended by Chapter 335, 2012 General Session

53-3-214.5. License or identification card checkoff for vision screening.

(1) A person who applies for a license or identification card or a renewal of a license or identification card may designate a voluntary contribution for vision screening of \$2.

(2) This contribution shall be:

- (a) collected by the division;
- (b) treated as a voluntary contribution to Friends For Sight to provide blindness prevention education, screening, and treatment and not as a license fee; and
- (c) transferred to Friends For Sight at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Amended by Chapter 30, 2003 General Session
Amended by Chapter 126, 2003 General Session

53-3-214.7. License or identification card checkoff for promoting and supporting organ donation.

- (1) A person who applies for a license or identification card or a renewal of a license or identification card may designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ donation.
- (2) This contribution shall be:
 - (a) collected by the division;
 - (b) treated as a voluntary contribution to the Organ Donation Contribution Fund created in Section 26-18b-101 and not as a license fee; and
 - (c) transferred to the Organ Donation Contribution Fund created in Section 26-18b-101 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Amended by Chapter 30, 2003 General Session

53-3-214.8. License or identification card checkoff for public transportation for seniors or people with disabilities.

- (1) A person who applies for a license or identification card or a renewal of a license or identification card may designate a voluntary contribution of \$1 for public transportation assistance for seniors or people with disabilities.
- (2) This contribution shall be:
 - (a) collected by the division;
 - (b) treated as a voluntary contribution to the "Out and About" Homebound Transportation Assistance Fund created in Section 62A-3-110 to provide public transportation assistance for seniors or people with disabilities and not as a license fee; and
 - (c) transferred to the "Out and About" Homebound Transportation Assistance Fund created in Section 62A-3-110 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Amended by Chapter 30, 2003 General Session

53-3-215. Duplicate license certificate -- Fee.

- (1) (a) If a license certificate issued under this chapter is lost, stolen, or destroyed, the person to whom the license certificate was issued may obtain a duplicate upon furnishing proof satisfactory to the division that the license certificate has been lost, stolen, or destroyed and upon payment of a duplicate fee under Section 53-3-105.

(b) A person may not be issued a duplicate license certificate under this section unless the person complies with Subsection 53-3-204(2)(f).

(2) When the division is advised that a license certificate has been lost, stolen, or destroyed, the license certificate is then void.

Amended by Chapter 335, 2012 General Session

53-3-216. Change of address -- Duty of licensee to notify division within 10 days -- Change of name -- Proof necessary -- Method of giving notice by division.

(1) If a person, after applying for or receiving a license, moves from the address named in the application or in the license certificate issued to him, the person shall within 10 days of moving, notify the division in a manner specified by the division of his new address and the number of any license certificate held by him.

(2) If a person requests to change the surname on the applicant's license, the division shall issue a substitute license with the new name upon receiving an application and fee for a duplicate license and any of the following proofs of the applicant's full legal name:

- (a) an original or certified copy of the applicant's marriage certificate;
- (b) a certified copy of a court order under Title 42, Chapter 1, Change of Name, showing the name change;
- (c) an original or certified copy of a birth certificate issued by a government agency;
- (d) a certified copy of a divorce decree or annulment granted the applicant that specifies the name change requested; or
- (e) a certified copy of a divorce decree that does not specify the name change requested together with:
 - (i) an original or certified copy of the applicant's birth certificate;
 - (ii) the applicant's marriage license;
 - (iii) a driver license record showing use of a maiden name; or
 - (iv) other documentation the division finds acceptable.

(3) (a) Except as provided in Subsection (3)(c), if a person has applied for and received a license certificate and is currently required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry:

(i) the person's original license or renewal to an original license expires on the next birth date of the licensee beginning on July 1, 2006;

(ii) the person shall surrender the person's license to the division on or before the licensee's next birth date beginning on July 1, 2006; and

(iii) the person may apply for a license certificate with an expiration date identified in Subsection 53-3-205(7)(h) by:

(A) furnishing proper documentation to the division as provided in Section 53-3-205; and

(B) paying the fee for a license required under Section 53-3-105.

(b) Except as provided in Subsection (3)(c), if a person has applied for and received a license certificate and is subsequently convicted of any offense listed in Subsection 77-41-102(16), the person shall surrender the license certificate to the division on the person's next birth date following the conviction and may apply for a

license certificate with an expiration date identified in Subsection 53-3-205(7)(h) by:

(i) furnishing proper documentation to the division as provided in Section 53-3-205; and

(ii) paying the fee for a license required under Section 53-3-105.

(c) A person who is unable to comply with the provisions of Subsection (3)(a) or (3)(b) because the person is in the custody of the Department of Corrections or the Division of Juvenile Justice Services, confined in a correctional facility not operated by or under contract with the Department of Corrections, or committed to a state mental facility, shall comply with the provisions of Subsection (3)(a) or (b) within 10 days of being released from confinement.

(4) (a) If the division is authorized or required to give any notice under this chapter or other law regulating the operation of vehicles, the notice shall, unless otherwise prescribed, be given by:

(i) personal delivery to the person to be notified; or

(ii) deposit in the United States mail with postage prepaid, addressed to the person at his address as shown by the records of the division.

(b) The giving of notice by mail is complete upon the expiration of four days after the deposit of the notice.

(c) Proof of the giving of notice in either manner may be made by the certificate of any officer or employee of the division or affidavit of any person older than 18 years of age, naming the person to whom the notice was given and specifying the time, place, and manner of giving the notice.

(5) The division may use state mailing or United States Postal Service information to:

(a) verify an address on an application or on records of the division; and

(b) correct mailing addresses in the division's records.

(6) (a) A violation of the provisions of Subsection (1) is an infraction.

(b) A person who knowingly fails to surrender a license certificate under Subsection (3) is guilty of a class A misdemeanor.

Amended by Chapter 145, 2012 General Session

53-3-217. License to be carried when driving motor vehicle -- Production in court -- Violation.

(1) (a) The licensee shall have his license certificate in his immediate possession at all times when driving a motor vehicle.

(b) A licensee shall display his license certificate upon demand of a justice of peace, a peace officer, or a field deputy or inspector of the division.

(2) It is a defense to a charge under this section that the person charged produces in court a license certificate issued to him and valid at the time of his citation or arrest.

(3) A person who violates Subsection (1)(a) is guilty of a class C misdemeanor.

Amended by Chapter 51, 1997 General Session

53-3-218. Court to report convictions and may recommend suspension of

license -- Severity of speeding violation defined.

(1) As used in this section, "conviction" means conviction by the court of first impression or final administrative determination in an administrative traffic proceeding.

(2) (a) Except as provided in Subsection (2)(c), a court having jurisdiction over offenses committed under this chapter or any other law of this state, or under any municipal ordinance regulating driving motor vehicles on highways or driving motorboats on the water, shall forward to the division within five days, an abstract of the court record of the conviction or plea held in abeyance of any person in the court for a reportable traffic or motorboating violation of any laws or ordinances, and may recommend the suspension of the license of the person convicted.

(b) When the division receives a court record of a conviction or plea in abeyance for a motorboat violation, the division may only take action against a person's driver license if the motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.

(c) (i) A court is not required to forward to the division within five days an abstract of the court record of the conviction for a violation described in Subsection 53-3-220(1)(c) and the Driver License Division is not required to suspend a person's license for a violation described in Subsection 53-3-220(1)(c) if:

(A) the violation did not involve a motor vehicle; and

(B) the person convicted of a violation described in Subsection 53-3-220(1)(c):

(I) is participating in or has successfully completed substance abuse treatment at a licensed substance abuse treatment program that is approved by the Division of Substance Abuse and Mental Health in accordance with Section 62A-15-105; or

(II) is participating in or has successfully completed probation through the Department of Corrections Adult Probation and Parole in accordance with Section 77-18-1.

(ii) If the person convicted of a violation described in Subsection 53-3-220(1)(c) fails to comply with the terms of a substance abuse treatment program under Subsection (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II):

(A) the substance abuse treatment program licensed by the Division of Substance Abuse and Mental Health or the Department of Corrections Adult Probation and Parole shall immediately provide an affidavit or other sworn information to the court notifying the court that the person has failed to comply with the terms of a substance abuse treatment program under Subsection (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II);

(B) upon receipt of an affidavit or sworn statement under Subsection (2)(c)(ii)(A), the court shall immediately forward an abstract of the court record of the conviction for a violation described in Subsection 53-3-220(1)(c) to the division; and

(C) the division shall immediately suspend the person's license in accordance with Subsection 53-3-220(1)(c).

(3) The abstract shall be made in the form prescribed by the division and shall include:

(a) the name, date of birth, and address of the party charged;

(b) the license certificate number of the party charged, if any;

(c) the registration number of the motor vehicle or motorboat involved;

(d) whether the motor vehicle was a commercial motor vehicle;

- (e) whether the motor vehicle carried hazardous materials;
- (f) whether the motor vehicle carried 16 or more occupants;
- (g) whether the driver presented a commercial driver license;
- (h) the nature of the offense;
- (i) whether the offense involved an accident;
- (j) the driver's blood alcohol content, if applicable;
- (k) if the offense involved a speeding violation:
 - (i) the posted speed limit;
 - (ii) the actual speed; and
 - (iii) whether the speeding violation occurred on a highway that is part of the interstate system as defined in Section 72-1-102;
- (l) the date of the hearing;
- (m) the plea;
- (n) the judgment or whether bail was forfeited; and
- (o) the severity of the violation, which shall be graded by the court as "minimum," "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

(4) When a convicted person secures a judgment of acquittal or reversal in any appellate court after conviction in the court of first impression, the division shall reinstate the convicted person's license immediately upon receipt of a certified copy of the judgment of acquittal or reversal.

(5) Upon a conviction for a violation of the prohibition on using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle under Section 41-6a-1716, a judge may order a suspension of the convicted person's license for a period of three months.

(6) Upon a conviction for a violation of careless driving under Section 41-6a-1715 that causes or results in the death of another person, a judge may order a revocation of the convicted person's license for a period of one year.

Amended by Chapter 190, 2011 General Session

53-3-219. Suspension of minor's driving privileges.

(1) The division shall immediately suspend all driving privileges of any person upon receipt of an order suspending driving privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-701(1), or Section 78A-6-606.

(2) (a) (i) Upon receipt of the first order suspending a person's driving privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-701(1), or Section 78A-6-606, the division shall:

- (A) impose a suspension for a period of one year;
- (B) if the person has not been issued an operator license, deny the person's application for a license or learner's permit for a period of one year; or
- (C) if the person is under the age of eligibility for a driver license, deny the person's application for a license or learner's permit beginning on the date of conviction and continuing for one year beginning on the date of eligibility for a driver license.

(ii) Upon receipt of the first order suspending a person's driving privileges under this section, the division shall reduce the suspension period under Subsection

(2)(a)(i)(A), (B), or (C) if ordered by the court in accordance with Subsection 32B-4-409(5)(b), 32B-4-410(4)(b), 76-9-701(4)(b), or 78A-6-606(3)(b).

(b) (i) Upon receipt of a second or subsequent order suspending a person's driving privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-701(1), or Section 78A-6-606, the division shall:

(A) impose a suspension for a period of two years;

(B) if the person has not been issued an operator license or is under the age of eligibility for a driver license, deny the person's application for a license or learner's permit for a period of two years; or

(C) if the person is under the age of eligibility for a driver license, deny the person's application for a license or learner's permit beginning on the date of conviction and continuing for two years beginning on the date of eligibility for a driver license.

(ii) Upon receipt of the second or subsequent order suspending a person's driving privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-701(1), or Section 78A-6-606, the division shall reduce the suspension period if ordered by the court in accordance with Subsection 32B-4-409(5)(c), 32B-4-410(4)(c), 76-9-701(4)(c), or 78A-6-606(3)(c).

(3) The Driver License Division shall subtract from any suspension or revocation period for a conviction of a violation of Section 32B-4-409 the number of days for which a license was previously suspended under Section 53-3-231, if the previous sanction was based on the same occurrence upon which the record of conviction is based.

(4) After reinstatement of the license described in Subsection (1), a report authorized under Section 53-3-104 may not contain evidence of the suspension of a minor's license under this section if the minor has not been convicted of any other offense for which the suspension under Subsection (1) may be extended.

Amended by Chapter 314, 2014 General Session

53-3-220. Offenses requiring mandatory revocation, denial, suspension, or disqualification of license -- Offense requiring an extension of period -- Hearing -- Limited driving privileges.

(1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or disqualification, the division shall deny, suspend, or disqualify the license of a person upon receiving a record of the person's conviction for:

(i) manslaughter or negligent homicide resulting from driving a motor vehicle, or automobile homicide under Section 76-5-207 or 76-5-207.5;

(ii) driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or combination of them to a degree that renders the person incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

(iii) driving or being in actual physical control of a motor vehicle while having a blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

(iv) perjury or the making of a false affidavit to the division under this chapter,

Title 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or regulating driving on highways;

(v) any felony under the motor vehicle laws of this state;

(vi) any other felony in which a motor vehicle is used to facilitate the offense;

(vii) failure to stop and render aid as required under the laws of this state if a motor vehicle accident results in the death or personal injury of another;

(viii) two charges of reckless driving, impaired driving, or any combination of reckless driving and impaired driving committed within a period of 12 months; but if upon a first conviction of reckless driving or impaired driving the judge or justice recommends suspension of the convicted person's license, the division may after a hearing suspend the license for a period of three months;

(ix) failure to bring a motor vehicle to a stop at the command of a peace officer as required in Section 41-6a-210;

(x) any offense specified in Part 4, Uniform Commercial Driver License Act, that requires disqualification;

(xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or allowing the discharge of a firearm from a vehicle;

(xii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);

(xiii) operating or being in actual physical control of a motor vehicle while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517;

(xiv) until July 30, 2015, operating or being in actual physical control of a motor vehicle while having any alcohol in the person's body in violation of Section 53-3-232;

(xv) operating or being in actual physical control of a motor vehicle while having any measurable or detectable amount of alcohol in the person's body in violation of Section 41-6a-530;

(xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in violation of Section 41-6a-606;

(xvii) operating or being in actual physical control of a motor vehicle in this state without an ignition interlock system in violation of Section 41-6a-518.2; or

(xviii) custodial interference, under:

(A) Subsection 76-5-303(3), which suspension shall be for a period of 30 days, unless the court provides the division with an order of suspension for a shorter period of time;

(B) Subsection 76-5-303(4), which suspension shall be for a period of 90 days, unless the court provides the division with an order of suspension for a shorter period of time; or

(C) Subsection 76-5-303(5), which suspension shall be for a period of 180 days, unless the court provides the division with an order of suspension for a shorter period of time.

(b) The division shall immediately revoke the license of a person upon receiving a record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for:

(i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or allowing the discharge of a firearm from a vehicle; or

(ii) using, allowing the use of, or causing to be used any explosive, chemical, or

incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).

(c) Except when action is taken under Section 53-3-219 for the same offense, the division shall immediately suspend for six months the license of a person upon receiving a record of conviction for:

(i) any violation of:

(A) Title 58, Chapter 37, Utah Controlled Substances Act;

(B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

(C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

(D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

(E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

(ii) any criminal offense that prohibits:

(A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance that is prohibited under the acts described in Subsection (1)(c)(i); or

(B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).

(d) (i) The division shall immediately suspend a person's driver license for conviction of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:

(A) an order from the sentencing court requiring that the person's driver license be suspended; and

(B) a record of the conviction.

(ii) An order of suspension under this section is at the discretion of the sentencing court, and may not be for more than 90 days for each offense.

(e) (i) The division shall immediately suspend for one year the license of a person upon receiving a record of:

(A) conviction for the first time for a violation under Section 32B-4-411; or

(B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under Section 32B-4-411.

(ii) The division shall immediately suspend for a period of two years the license of a person upon receiving a record of:

(A) (I) conviction for a second or subsequent violation under Section 32B-4-411; and

(II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior conviction for a violation under Section 32B-4-411; or

(B) (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under Section 32B-4-411; and

(II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under Section 32B-4-411.

(iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:

(A) for a conviction or adjudication described in Subsection (1)(e)(i):

(I) impose a suspension for one year beginning on the date of conviction; or

(II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for one year beginning on the date of eligibility for a driver license; or

(B) for a conviction or adjudication described in Subsection (1)(e)(ii):
(I) impose a suspension for a period of two years; or
(II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for two years beginning on the date of eligibility for a driver license.

(2) The division shall extend the period of the first denial, suspension, revocation, or disqualification for an additional like period, to a maximum of one year for each subsequent occurrence, upon receiving:

(a) a record of the conviction of any person on a charge of driving a motor vehicle while the person's license is denied, suspended, revoked, or disqualified;

(b) a record of a conviction of the person for any violation of the motor vehicle law in which the person was involved as a driver;

(c) a report of an arrest of the person for any violation of the motor vehicle law in which the person was involved as a driver; or

(d) a report of an accident in which the person was involved as a driver.

(3) When the division receives a report under Subsection (2)(c) or (d) that a person is driving while the person's license is denied, suspended, disqualified, or revoked, the person is entitled to a hearing regarding the extension of the time of denial, suspension, disqualification, or revocation originally imposed under Section 53-3-221.

(4) (a) The division may extend to a person the limited privilege of driving a motor vehicle to and from the person's place of employment or within other specified limits on recommendation of the judge in any case where a person is convicted of any of the offenses referred to in Subsections (1) and (2) except:

(i) automobile homicide under Subsection (1)(a)(i);

(ii) those offenses referred to in Subsections (1)(a)(ii), (iii), (xi), (xii), (xiii), (1)(b), and (1)(c); and

(iii) those offenses referred to in Subsection (2) when the original denial, suspension, revocation, or disqualification was imposed because of a violation of Section 41-6a-502, 41-6a-517, a local ordinance which complies with the requirements of Subsection 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of these sections or ordinances, unless:

(A) the person has had the period of the first denial, suspension, revocation, or disqualification extended for a period of at least three years;

(B) the division receives written verification from the person's primary care physician that:

(I) to the physician's knowledge the person has not used any narcotic drug or other controlled substance except as prescribed by a licensed medical practitioner within the last three years; and

(II) the physician is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely; and

(C) for a period of one year prior to the date of the request for a limited driving privilege:

(I) the person has not been convicted of a violation of any motor vehicle law in

which the person was involved as the operator of the vehicle;

(II) the division has not received a report of an arrest for a violation of any motor vehicle law in which the person was involved as the operator of the vehicle; and

(III) the division has not received a report of an accident in which the person was involved as an operator of a vehicle.

(b) (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege authorized in this Subsection (4):

(A) is limited to when undue hardship would result from a failure to grant the privilege; and

(B) may be granted only once to any person during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.

(ii) The discretionary privilege authorized in Subsection (4)(a)(iii):

(A) is limited to when the limited privilege is necessary for the person to commute to school or work; and

(B) may be granted only once to any person during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.

(c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or denied under this chapter.

Amended by Chapter 276, 2010 General Session

Amended by Chapter 374, 2010 General Session

53-3-221. Offenses that may result in denial, suspension, disqualification, or revocation of license -- Additional grounds for suspension -- Point system for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.

(1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may deny, suspend, disqualify, or revoke the license or permit of any person without receiving a record of the person's conviction of crime when the division has been notified or has reason to believe the person:

(a) has committed any offenses for which mandatory suspension or revocation of a license is required upon conviction under Section 53-3-220;

(b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person, or serious property damage;

(c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or physical disability rendering it unsafe for the person to drive a motor vehicle or mobility vehicle upon the highways;

(d) has committed a serious violation of the motor vehicle laws of this state;

(e) has knowingly committed a violation of Section 53-3-229; or

(f) has been convicted of serious offenses against traffic laws governing the movement of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard for the safety of other persons on the highways.

(2) (a) The division may suspend the license of a person under Subsection (1)

when the person has failed to comply with the terms stated on a traffic citation issued in this state, except this Subsection (2) does not apply to highway weight limit violations or violations of law governing the transportation of hazardous materials.

(b) This Subsection (2) applies to parking and standing violations only if a court has issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy the terms of the citation.

(c) (i) This Subsection (2) may not be exercised unless notice of the pending suspension of the driving privilege has been sent at least 10 days previously to the person at the address provided to the division.

(ii) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of a suspension that occurred as a result of failure to comply with the terms stated on a traffic citation.

(3) (a) The division may suspend the license of a person under Subsection (1) when the division has been notified by a court that the person has an outstanding unpaid fine, an outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a court.

(b) The suspension remains in effect until the division is notified by the court that the order has been satisfied.

(c) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of the suspension.

(4) (a) The division shall make rules establishing a point system as provided for in this Subsection (4).

(b) (i) The division shall assign a number of points to each type of moving traffic violation as a measure of its seriousness.

(ii) The points shall be based upon actual relationships between types of traffic violations and motor vehicle traffic accidents.

(iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points against a person's driving record for a conviction of a traffic violation:

(A) that occurred in another state; and

(B) that was committed on or after July 1, 2011.

(iv) The provisions of Subsection (4)(b)(iii) do not apply to:

(A) a reckless or impaired driving violation or a speeding violation for exceeding the posted speed limit by 21 or more miles per hour; or

(B) an offense committed in another state which, if committed within Utah, would result in the mandatory suspension or revocation of a license upon conviction under Section 53-3-220.

(c) Every person convicted of a traffic violation shall have assessed against the person's driving record the number of points that the division has assigned to the type of violation of which the person has been convicted, except that the number of points assessed shall be decreased by 10% if on the abstract of the court record of the conviction the court has graded the severity of violation as minimum, and shall be increased by 10% if on the abstract the court has graded the severity of violation as maximum.

(d) (i) A separate procedure for assessing points for speeding offenses shall be established by the division based upon the severity of the offense.

(ii) The severity of a speeding violation shall be graded as:

(A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;
(B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per hour; and
(C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

(iii) Consideration shall be made for assessment of no points on minimum speeding violations, except for speeding violations in school zones.

(e) (i) Points assessed against a person's driving record shall be deleted for violations occurring before a time limit set by the division.

(ii) The time limit may not exceed three years.

(iii) The division may also delete points to reward violation-free driving for periods of time set by the division.

(f) (i) By publication in two newspapers having general circulation throughout the state, the division shall give notice of the number of points it has assigned to each type of traffic violation, the time limit set by the division for the deletion of points, and the point level at which the division will generally take action to deny or suspend under this section.

(ii) The division may not change any of the information provided above regarding points without first giving new notice in the same manner.

(5) (a) (i) If the division finds that the license of a person should be denied, suspended, disqualified, or revoked under this section, the division shall immediately notify the licensee in a manner specified by the division and afford the person an opportunity for a hearing in the county where the licensee resides.

(ii) The hearing shall be documented, and the division or its authorized agent may administer oaths, may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee.

(iii) One or more members of the division may conduct the hearing, and any decision made after a hearing before any number of the members of the division is as valid as if made after a hearing before the full membership of the division.

(iv) After the hearing the division shall either rescind or affirm its decision to deny, suspend, disqualify, or revoke the license.

(b) The denial, suspension, disqualification, or revocation of the license remains in effect pending qualifications determined by the division regarding a person:

(i) whose license has been denied or suspended following reexamination;

(ii) who is incompetent to drive a motor vehicle;

(iii) who is afflicted with mental or physical infirmities that might make him dangerous on the highways; or

(iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.

(6) (a) Subject to Subsection (6)(d), the division shall suspend a person's license when the division receives notice from the Office of Recovery Services that the Office of Recovery Services has ordered the suspension of the person's license.

(b) A suspension under Subsection (6)(a) shall remain in effect until the division receives notice from the Office of Recovery Services that the Office of Recovery Services has rescinded the order of suspension.

(c) After an order of suspension is rescinded under Subsection (6)(b), a report authorized by Section 53-3-104 may not contain any evidence of the suspension.

(d) (i) If the division suspends a person's license under this Subsection (6), the division shall, upon application, issue a temporary limited driver license to the person if that person needs a driver license for employment, education, or child visitation.

(ii) The temporary limited driver license described in this section:

(A) shall provide that the person may operate a motor vehicle only for the purpose of driving to or from the person's place of employment, education, or child visitation;

(B) shall prohibit the person from driving a motor vehicle for any purpose other than a purpose described in Subsection (6)(d)(ii)(A); and

(C) shall expire 90 days after the day on which the temporary limited driver license is issued.

(iii) (A) During the period beginning on the day on which a temporary limited driver license is issued under this Subsection (6), and ending on the day that the temporary limited driver license expires, the suspension described in this Subsection (6) only applies if the person who is suspended operates a motor vehicle for a purpose other than employment, education, or child visitation.

(B) Upon expiration of a temporary limited driver license described in this Subsection (6)(d):

(I) a suspension described in Subsection (6)(a) shall be in full effect until the division receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

(II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any reason.

(iv) The division is not required to issue a limited driver license to a person under this Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver license.

(v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this part.

(7) (a) The division may suspend or revoke the license of any resident of this state upon receiving notice of the conviction of that person in another state of an offense committed there that, if committed in this state, would be grounds for the suspension or revocation of a license.

(b) The division may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws of this state, forward a certified copy of the record to the motor vehicle administrator in the state where the person convicted is a resident.

(8) (a) The division may suspend or revoke the license of any nonresident to drive a motor vehicle in this state for any cause for which the license of a resident driver may be suspended or revoked.

(b) Any nonresident who drives a motor vehicle upon a highway when the person's license has been suspended or revoked by the division is guilty of a class C misdemeanor.

(9) (a) The division may not deny or suspend the license of any person for a period of more than one year except:

- (i) for failure to comply with the terms of a traffic citation under Subsection (2);
- (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges under Section 53-3-219;
- (iii) when extending a denial or suspension upon receiving certain records or reports under Subsection 53-3-220(2);
- (iv) for failure to give and maintain owner's or operator's security under Section 41-12a-411;
- (v) when the division suspends the license under Subsection (6); or
- (vi) when the division denies the license under Subsection (14).

(b) The division may suspend the license of a person under Subsection (2) until the person shows satisfactory evidence of compliance with the terms of the traffic citation.

(10) (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of any person without receiving a record of the person's conviction for a crime when the division has reason to believe that the person's license was granted by the division through error or fraud or that the necessary consent for the license has been withdrawn or is terminated.

(b) The procedure upon suspension is the same as under Subsection (5), except that after the hearing the division shall either rescind its order of suspension or cancel the license.

(11) (a) The division, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified by the division of at least five days to the licensee require him to submit to an examination.

(b) Upon the conclusion of the examination the division may suspend or revoke the person's license, permit him to retain the license, or grant a license subject to a restriction imposed in accordance with Section 53-3-208.

(c) Refusal or neglect of the licensee to submit to an examination is grounds for suspension or revocation of the licensee's license.

(12) (a) Except as provided in Subsection (12)(b), a report authorized by Section 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed limit and did not result in an accident, unless authorized in a manner specified by the division by the individual whose report is being requested.

(b) The provisions of Subsection (12)(a) do not apply for:

- (i) a CDL license holder; or
- (ii) a violation that occurred in a commercial motor vehicle.

(13) (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of a person if it has reason to believe that the person is the owner of a motor vehicle for which security is required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has driven the motor vehicle or permitted it to be driven within this state without the security being in effect.

(b) The division may suspend a driving privilege card holder's driving privilege card if the division receives notification from the Motor Vehicle Division that:

- (i) the driving privilege card holder is the registered owner of a vehicle; and

(ii) the driving privilege card holder's vehicle registration has been revoked under Subsection 41-1a-110(2)(a)(ii)(A).

(c) Section 41-12a-411 regarding the requirement of proof of owner's or operator's security applies to persons whose driving privileges are suspended under this Subsection (13).

(14) The division may deny an individual's license if the person fails to comply with the requirement to downgrade the person's CDL to a class D license under Section 53-3-410.1.

(15) The division may deny a person's class A, B, C, or D license if the person fails to comply with the requirement to have a K restriction removed from the person's license.

(16) Any suspension or revocation of a person's license under this section also disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License Act.

Amended by Chapter 101, 2014 General Session

Amended by Chapter 225, 2014 General Session

53-3-221.5. Disclosure of license information to the Office of Recovery Services.

(1) The division shall disclose to the Office of Recovery Services the name, address, and other identifying information of each person:

(a) to whom a license has been issued; or

(b) whose driving privileges have been suspended, revoked, or reinstated.

(2) All information received by the Office of Recovery Services under this section is subject to Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 382, 2008 General Session

53-3-222. Purpose of revocation or suspension for driving under the influence.

The Legislature finds that the purpose of this title relating to suspension or revocation of a person's license or privilege to drive a motor vehicle for driving with a blood alcohol content above a certain level or while under the influence of alcohol, any drug, or a combination of alcohol and any drug, or for refusing to take a chemical test as provided in Section 41-6a-520, is protecting persons on highways by quickly removing from the highways those persons who have shown they are safety hazards.

Amended by Chapter 2, 2005 General Session

53-3-223. Chemical test for driving under the influence -- Temporary license -- Hearing and decision -- Suspension and fee -- Judicial review.

(1) (a) If a peace officer has reasonable grounds to believe that a person may be violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a certain blood or breath alcohol concentration and driving under the influence of

any drug, alcohol, or combination of a drug and alcohol or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517, the peace officer may, in connection with arresting the person, request that the person submit to a chemical test or tests to be administered in compliance with the standards under Section 41-6a-520.

(b) In this section, a reference to Section 41-6a-502 includes any similar local ordinance adopted in compliance with Subsection 41-6a-510(1).

(2) The peace officer shall advise a person prior to the person's submission to a chemical test that a test result indicating a violation of Section 41-6a-502 or 41-6a-517 shall, and the existence of a blood alcohol content sufficient to render the person incapable of safely driving a motor vehicle may, result in suspension or revocation of the person's license to drive a motor vehicle.

(3) If the person submits to a chemical test and the test results indicate a blood or breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer makes a determination, based on reasonable grounds, that the person is otherwise in violation of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of arrest, give notice of the division's intention to suspend the person's license to drive a motor vehicle.

(4) (a) When a peace officer gives notice on behalf of the division, the peace officer shall:

- (i) take the Utah license certificate or permit, if any, of the driver;
- (ii) issue a temporary license certificate effective for only 29 days from the date of arrest; and
- (iii) supply to the driver, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division.

(b) A citation issued by a peace officer may, if provided in a manner specified by the division, also serve as the temporary license certificate.

(5) As a matter of procedure, a peace officer shall send to the division within 10 calendar days after the day on which notice is provided:

- (a) the person's license certificate;
- (b) a copy of the citation issued for the offense;
- (c) a signed report in a manner specified by the division indicating the chemical test results, if any; and
- (d) any other basis for the peace officer's determination that the person has violated Section 41-6a-502 or 41-6a-517.

(6) (a) Upon request in a manner specified by the division, the division shall grant to the person an opportunity to be heard within 29 days after the date of arrest. The request to be heard shall be made within 10 calendar days of the day on which notice is provided under Subsection (5).

(b) (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the division in:

- (A) the county in which the arrest occurred; or
- (B) a county that is adjacent to the county in which the arrest occurred.
- (ii) The division may hold a hearing in some other county if the division and the person both agree.

(c) The hearing shall be documented and shall cover the issues of:

(i) whether a peace officer had reasonable grounds to believe the person was driving a motor vehicle in violation of Section 41-6a-502 or 41-6a-517;

(ii) whether the person refused to submit to the test; and

(iii) the test results, if any.

(d) (i) In connection with a hearing the division or its authorized agent:

(A) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers; or

(B) may issue subpoenas for the attendance of necessary peace officers.

(ii) The division shall pay witness fees and mileage from the Transportation Fund in accordance with the rates established in Section 78B-1-119.

(e) The division may designate one or more employees to conduct the hearing.

(f) Any decision made after a hearing before any designated employee is as valid as if made by the division.

(7) (a) If, after a hearing, the division determines that a peace officer had reasonable grounds to believe that the person was driving a motor vehicle in violation of Section 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the notice, or if a hearing is not requested under this section, the division shall:

(i) if the person is 21 years of age or older at the time of arrest and the arrest was made on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a period of:

(A) 120 days beginning on the 30th day after the date of arrest for a first suspension; or

(B) two years beginning on the 30th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years; or

(ii) if the person is under 21 years of age at the time of arrest and the arrest was made on or after May 14, 2013:

(A) suspend the person's license or permit to operate a motor vehicle:

(I) for a period of six months, beginning on the 30th day after the date of arrest for a first suspension; or

(II) until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 30th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years; or

(B) deny the person's application for a license or learner's permit:

(I) for a period of six months for a first suspension, if the person has not been issued an operator license; or

(II) until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 30th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years.

(b) The division shall deny or suspend a person's license for the denial and suspension periods in effect:

(i) prior to July 1, 2009, for an offense that was committed prior to July 1, 2009;

(ii) from July 1, 2009, through June 30, 2011, if:

(A) the person was 20 years 6 months of age or older but under 21 years of age at the time of arrest; and

(B) the conviction under Subsection (2) is for an offense that was committed on

or after July 1, 2009, and prior to July 1, 2011; or

(iii) prior to May 14, 2013, for an offense that was committed prior to May 14, 2013.

(c) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall reinstate a person's license prior to completion of the 120 day suspension period imposed under Subsection (7)(a)(i)(A):

(A) immediately upon receiving written verification of the person's dismissal of a charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the suspension period; or

(B) no sooner than 60 days beginning on the 30th day after the date of arrest upon receiving written verification of the person's reduction of a charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the suspension period.

(ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) or (7)(b), the division shall reinstate a person's license prior to completion of the 120-day suspension period imposed under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the person's conviction of impaired driving under Section 41-6a-502.5 if:

(A) the written verification is received prior to completion of the suspension period; and

(B) the reporting court notifies the Driver License Division that the defendant is participating in or has successfully completed the program of a driving under the influence court as defined in Section 41-6a-501.

(iii) If a person's license is reinstated under this Subsection (7)(c), the person is required to pay the license reinstatement fees under Subsections 53-3-105(23) and (24).

(iv) The driver license reinstatements authorized under this Subsection (7)(c) only apply to a 120 day suspension period imposed under Subsection (7)(a)(i)(A).

(8) (a) Notwithstanding the provisions in Subsection (7)(b)(iii), the division shall shorten a person's two-year license suspension period that is currently in effect to a six-month suspension period if:

(i) the driver was under the age of 19 at the time of arrest;

(ii) the offense was a first offense that was committed prior to May 14, 2013; and

(iii) the suspension under Subsection (7)(b)(iii) was based on the same occurrence upon which the following written verifications are based:

(A) a court order shortening the driver license suspension for a violation of Section 41-6a-502 pursuant to Subsection 41-6a-509(8);

(B) a court order shortening the driver license suspension for a violation of Section 41-6a-517 pursuant to Subsection 41-6a-517(11);

(C) a court order shortening the driver license suspension for a violation of Section 32B-4-409;

(D) a dismissal for a violation of Section 41-6a-502, Section 41-6a-517, or Section 32B-4-409;

(E) a notice of declination to prosecute for a charge under Section 41-6a-502, Section 41-6a-517, or Section 32B-4-409;

(F) a reduction of a charge under Section 41-6a-502, Section 41-6a-517, or Section 32B-4-409; or

(G) other written documentation acceptable to the division.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing requirements for acceptable written documentation to shorten a person's driver license suspension period under Subsection (8)(a)(iii)(G).

(c) If a person's license sanction is shortened under this Subsection (8), the person is required to pay the license reinstatement fees under Subsections 53-3-105(23) and (24).

(9) (a) The division shall assess against a person, in addition to any fee imposed under Subsection 53-3-205(12) for driving under the influence, a fee under Section 53-3-105 to cover administrative costs, which shall be paid before the person's driving privilege is reinstated. This fee shall be cancelled if the person obtains an unappealed division hearing or court decision that the suspension was not proper.

(b) A person whose license has been suspended by the division under this section following an administrative hearing may file a petition within 30 days after the suspension for a hearing on the matter which, if held, is governed by Section 53-3-224.

Amended by Chapter 7, 2014 General Session

53-3-223.5. Telephonic or live audiovisual testimony at hearings.

In any division hearing authorized under this chapter or Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving, the division may permit a party or witness to attend or to testify by telephone or live audiovisual means.

Amended by Chapter 2, 2005 General Session

53-3-224. Filing a petition for hearing -- Judicial review of license cancellation, revocation, or suspension -- Scope of review.

(1) A person denied a license or whose license has been cancelled, suspended, or revoked by the division following an administrative hearing may seek judicial review of the division's order.

(2) (a) Venue for judicial review of informal adjudicative proceedings is in the district court in the county where the offense occurred, which resulted in the cancellation, suspension, or revocation.

(b) Persons not residing in the state shall file in Salt Lake County or the county where the offense occurred, which resulted in the cancellation, suspension, or revocation.

Amended by Chapter 261, 2007 General Session

53-3-225. Eligibility for new license after revocation.

(1) (a) Except as provided in Subsections (1)(b) and (c), a person whose license has been revoked under this chapter may not apply for or receive any new license until the expiration of one year from the date the former license was revoked.

(b) A person's license may be revoked for a longer period as provided in:

(i) Section 53-3-220, for driving a motor vehicle while the person's license is

revoked, or involvement as a driver in an accident or violation of the motor vehicle laws; and

(ii) Section 53-3-221, for failing to comply with the terms of a traffic citation.

(c) (i) The length of the revocation required by Subsection 53-3-220(1)(a)(xi), (a)(xii), (b)(i), or (b)(ii) shall be specified in an order of the court adjudicating or convicting the person of the offense.

(ii) If the person adjudicated of the offense is younger than 16 years of age, the license or driving privilege shall be revoked for a minimum of one year, from age 16, but not to exceed the date the person turns 21 years of age.

(iii) If the person adjudicated or convicted of the offense is 16 years of age or older, the license or driving privilege shall be revoked for a minimum of one year, but not to exceed five years.

(d) A revoked license may not be renewed.

(e) Application for a new license shall be filed in accordance with Section 53-3-205.

(f) The new license is subject to all provisions of an original license.

(g) The division may not grant the license until an investigation of the character, driving abilities, and habits of the driver has been made to indicate whether it is safe to grant him a license.

(2) Any resident or nonresident whose license to drive a motor vehicle in this state has been suspended or revoked under this chapter may not drive a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or other source during suspension or after revocation until a new license is obtained under this chapter.

Amended by Chapter 324, 2010 General Session

53-3-226. Grounds for confiscation of licenses, plates, and other articles issued by state.

(1) The division or a peace officer acting in his official capacity may take possession of any certificate of title, registration card, decal, permit, license certificate, permit, registration plate, or any other article issued by the state:

(a) that is fictitious or altered;

(b) that has been unlawfully or erroneously issued;

(c) that is unlawfully or erroneously displayed; or

(d) as required under Section 41-6a-520, 53-3-223, 53-3-231, or 53-3-418.

(2) A receipt shall be issued that describes each confiscated item.

Amended by Chapter 2, 2005 General Session

53-3-227. Driving a motor vehicle prohibited while driving privilege denied, suspended, disqualified, or revoked -- Penalties.

(1) A person whose driving privilege has been denied, suspended, disqualified, or revoked under this chapter or under the laws of the state in which the person's driving privilege was granted and who drives any motor vehicle upon the highways of this state while that driving privilege is denied, suspended, disqualified, or revoked shall

be punished as provided in this section.

(2) A person convicted of a violation of Subsection (1), other than a violation specified in Subsection (3), is guilty of a class C misdemeanor.

(3) (a) A person is guilty of a class B misdemeanor if the person's conviction under Subsection (1) is based on the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked for:

- (i) a refusal to submit to a chemical test under Section 41-6a-520;
- (ii) a violation of Section 41-6a-502;
- (iii) a violation of a local ordinance that complies with the requirements of Section 41-6a-510;
- (iv) a violation of Section 41-6a-517;
- (v) a violation of Section 76-5-207;
- (vi) a criminal action that the person plead guilty to as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances under this Subsection (3);
- (vii) a revocation or suspension which has been extended under Subsection 53-3-220(2);
- (viii) where disqualification is the result of driving a commercial motor vehicle while the person's CDL is disqualified, suspended, canceled, or revoked under Subsection 53-3-414(1); or
- (ix) a violation of Section 41-6a-530.

(b) A person is guilty of a class B misdemeanor if the person's conviction under Subsection (1) is based on the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked by any state, the United States, or any district, possession, or territory of the United States for violations corresponding to the violations listed in Subsection (3)(a).

(c) A fine imposed under this Subsection (3) shall be at least the maximum fine for a class C misdemeanor under Section 76-3-301.

Amended by Chapter 250, 2008 General Session

53-3-229. Prohibited uses of license certificate -- Penalty.

(1) It is a class C misdemeanor for a person to:

- (a) lend or knowingly permit the use of a license certificate issued to the person, by a person not entitled to it;
- (b) display or to represent as the person's own a license certificate not issued to the person;
- (c) refuse to surrender to the division or a peace officer upon demand any license certificate issued by the division;
- (d) use a false name or give a false address in any application for a license or any renewal or duplicate of the license certificate, or to knowingly make a false statement, or to knowingly conceal a material fact or otherwise commit a fraud in the application;
- (e) display a canceled, denied, revoked, suspended, or disqualified driver license certificate as a valid driver license certificate;
- (f) knowingly acquire, use, display, or transfer an item that purports to be an

authentic driver license certificate issued by a governmental entity if the item is not an authentic driver license certificate issued by that governmental entity; or

(g) alter any information on an authentic driver license certificate so that it no longer represents the information originally displayed.

(2) The provisions of Subsection (1)(e) do not prohibit the use of a person's driver license certificate as a means of personal identification.

(3) It is a class A misdemeanor to knowingly:

(a) issue a driver license certificate with false or fraudulent information;

(b) issue a driver license certificate to a person younger than 21 years of age if the driver license certificate is not distinguished as required for a person younger than 21 years of age under Section 53-3-207; or

(c) acquire, use, display, or transfer a false or altered driver license certificate to procure:

(i) a cigarette;

(ii) an electronic cigarette, as defined in Section 76-10-101;

(iii) tobacco; or

(iv) a tobacco product.

(4) A person may not use, display, or transfer a false or altered driver license certificate to procure alcoholic beverages, gain admittance to a place where alcoholic beverages are sold or consumed, or obtain employment that may not be obtained by a minor in violation of Section 32B-1-403.

(5) It is a third degree felony if a person's acquisition, use, display, or transfer of a false or altered driver license certificate:

(a) aids or furthers the person's efforts to fraudulently obtain goods or services;

or

(b) aids or furthers the person's efforts to commit a violent felony.

Amended by Chapter 114, 2010 General Session

Amended by Chapter 276, 2010 General Session

53-3-231. Person under 21 may not operate a vehicle or motorboat with detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing and decision -- Suspension of license or operating privilege -- Fees -- Judicial review -- Referral to local substance abuse authority or program.

(1) (a) As used in this section:

(i) "Local substance abuse authority" has the same meaning as provided in Section 62A-15-102.

(ii) "Substance abuse program" means any substance abuse program licensed by the Department of Human Services or the Department of Health and approved by the local substance abuse authority.

(b) Calculations of blood, breath, or urine alcohol concentration under this section shall be made in accordance with the procedures in Subsection 41-6a-502(1).

(2) (a) A person younger than 21 years of age may not operate or be in actual physical control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol concentration in the person's body as shown by a chemical test.

(b) A person who violates Subsection (2)(a), in addition to any other applicable

penalties arising out of the incident, shall have the person's operator license denied or suspended as provided in Subsection (8).

(3) (a) When a peace officer has reasonable grounds to believe that a person may be violating or has violated Subsection (2), the peace officer may, in connection with arresting the person for a violation of Section 32B-4-409, request that the person submit to a chemical test or tests to be administered in compliance with the standards under Section 41-6a-520.

(b) The peace officer shall advise a person prior to the person's submission to a chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or suspension of the person's license to operate a motor vehicle or a refusal to issue a license.

(c) If the person submits to a chemical test and the test results indicate a blood, breath, or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a determination, based on reasonable grounds, that the person is otherwise in violation of Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the arrest, give notice of the division's intention to deny or suspend the person's license to operate a vehicle or refusal to issue a license under this section.

(4) When a peace officer gives notice on behalf of the division, the peace officer shall:

- (a) take the Utah license certificate or permit, if any, of the operator;
- (b) issue a temporary license certificate effective for only 29 days from the date of arrest if the driver had a valid operator's license; and

(c) supply to the operator, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division.

(5) A citation issued by a peace officer may, if provided in a manner specified by the division, also serve as the temporary license certificate under Subsection (4)(b).

(6) As a matter of procedure, a peace officer shall send to the division within 10 calendar days after the day on which notice is provided:

- (a) the person's driver license certificate, if any;
- (b) a copy of the citation issued for the offense;
- (c) a signed report in a manner specified by the Driver License Division indicating the chemical test results, if any; and
- (d) any other basis for a peace officer's determination that the person has violated Subsection (2).

(7) (a) (i) Upon request in a manner specified by the division, the Driver License Division shall grant to the person an opportunity to be heard within 29 days after the date of arrest under Section 32B-4-409.

(ii) The request shall be made within 10 calendar days of the day on which notice is provided.

(b) (i) Except as provided in Subsection (7)(b)(ii), a hearing, if held, shall be before the division in:

- (A) the county in which the arrest occurred; or
- (B) a county that is adjacent to the county in which the arrest occurred.

(ii) The division may hold a hearing in some other county if the division and the person both agree.

(c) The hearing shall be documented and shall cover the issues of:

(i) whether a peace officer had reasonable grounds to believe the person was operating a motor vehicle or motorboat in violation of Subsection (2)(a);

(ii) whether the person refused to submit to the test; and

(iii) the test results, if any.

(d) In connection with a hearing, the division or its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and records as defined in Section 46-4-102.

(e) One or more members of the division may conduct the hearing.

(f) Any decision made after a hearing before any number of the members of the division is as valid as if made after a hearing before the full membership of the division.

(8) If, after a hearing, the division determines that a peace officer had reasonable grounds to believe that the person was driving a motor vehicle in violation of Subsection (2)(a), if the person fails to appear before the division as required in the notice, or if the person does not request a hearing under this section, the division shall for a person under 21 years of age on the date of arrest:

(a) deny the person's license until the person complies with Subsection (12)(b)(i) but for a period of not less than six months beginning on the 30th day after the date of arrest for a first offense under Subsection (2)(a) committed on or after May 14, 2013;

(b) suspend the person's license until the person complies with Subsection (12)(b)(i) and until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 30th day after the date of arrest for a second or subsequent offense under Subsection (2)(a) committed on or after July 1, 2009, and within 10 years of a prior denial or suspension;

(c) deny the person's application for a license or learner's permit until the person complies with Subsection (12)(b)(i) but for a period of not less than six months if:

(i) the person has not been issued an operator license; and

(ii) the suspension is for a first offense under Subsection (2)(a) committed on or after July 1, 2009;

(d) deny the person's application for a license or learner's permit until the person complies with Subsection (12)(b)(i) and until the person is 21 years of age or for a period of two years, whichever is longer, if:

(i) the person has not been issued an operator license; and

(ii) the suspension is for a second or subsequent offense under Subsection (2)(a) committed on or after July 1, 2009, and within 10 years of a prior denial or suspension; or

(e) deny or suspend a person's license for the denial and suspension periods in effect:

(i) prior to July 1, 2009, for a violation under Subsection (2)(a) that was committed prior to July 1, 2009;

(ii) from July 1, 2009, through June 30, 2011, if the person was 20 years 6 months of age or older but under 21 years of age at the time of arrest and the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011; or

(iii) prior to May 14, 2013, for a violation under Subsection (2)(a) that was committed prior to May 14, 2013.

(9) (a) Notwithstanding the provisions in Subsection (8)(e)(iii), the division shall

shorten a person's one-year license suspension or denial period that is currently in effect to a six-month suspension or denial period if:

- (i) the driver was under the age of 19 at the time of arrest;
- (ii) the offense was a first offense that was committed prior to May 14, 2013; and
- (iii) the suspension or denial under Subsection (8)(e)(iii) was based on the same occurrence upon which the following written verifications are based:

- (A) a court order shortening the driver license suspension for a violation of Section 41-6a-502 pursuant to Subsection 41-6a-509(8);

- (B) a court order shortening the driver license suspension for a violation of Section 41-6a-517 pursuant to Subsection 41-6a-517(11);

- (C) a court order shortening the driver license suspension for a violation of Section 32B-4-409;

- (D) a dismissal for a violation of Section 41-6a-502, Section 41-6a-517, or Section 32B-4-409;

- (E) a notice of declination to prosecute for a charge under Section 41-6a-502, Section 41-6a-517, or Section 32B-4-409;

- (F) a reduction of a charge under Section 41-6a-502, Section 41-6a-517, or Section 32B-4-409; or

- (G) other written documentation acceptable to the division.

- (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing requirements for acceptable documentation to shorten a person's driver license suspension or denial period under this Subsection (9).

- (c) If a person's license sanction is shortened under this Subsection (9), the person is required to pay the license reinstatement fees under Subsections 53-3-105(23) and (24).

- (10) (a) (i) Following denial or suspension the division shall assess against a person, in addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs.

- (ii) This fee shall be canceled if the person obtains an unappealed division hearing or court decision that the suspension was not proper.

- (b) A person whose operator license has been denied, suspended, or postponed by the division under this section following an administrative hearing may file a petition within 30 days after the suspension for a hearing on the matter which, if held, is governed by Section 53-3-224.

- (11) After reinstatement of an operator license for a first offense under this section, a report authorized under Section 53-3-104 may not contain evidence of the denial or suspension of the person's operator license under this section if the person has not been convicted of any other offense for which the denial or suspension may be extended.

- (12) (a) In addition to the penalties in Subsection (8), a person who violates Subsection (2)(a) shall:

- (i) obtain an assessment and recommendation for appropriate action from a substance abuse program, but any associated costs shall be the person's responsibility; or

(ii) be referred by the division to the local substance abuse authority for an assessment and recommendation for appropriate action.

(b) (i) Reinstatement of the person's operator license or the right to obtain an operator license within five years of the effective date of the license sanction under Subsection (8) is contingent upon successful completion of the action recommended by the local substance abuse authority or the substance abuse program.

(ii) The local substance abuse authority's or the substance abuse program's recommended action shall be determined by an assessment of the person's alcohol abuse and may include:

(A) a targeted education and prevention program;

(B) an early intervention program; or

(C) a substance abuse treatment program.

(iii) Successful completion of the recommended action shall be determined by standards established by the Division of Substance Abuse and Mental Health.

(c) At the conclusion of the penalty period imposed under Subsection (2), the local substance abuse authority or the substance abuse program shall notify the division of the person's status regarding completion of the recommended action.

(d) The local substance abuse authorities and the substance abuse programs shall cooperate with the division in:

(i) conducting the assessments;

(ii) making appropriate recommendations for action; and

(iii) notifying the division about the person's status regarding completion of the recommended action.

(e) (i) The local substance abuse authority is responsible for the cost of the assessment of the person's alcohol abuse, if the assessment is conducted by the local substance abuse authority.

(ii) The local substance abuse authority or a substance abuse program selected by a person is responsible for:

(A) conducting an assessment of the person's alcohol abuse; and

(B) for making a referral to an appropriate program on the basis of the findings of the assessment.

(iii) (A) The person who violated Subsection (2)(a) is responsible for all costs and fees associated with the recommended program to which the person selected or is referred.

(B) The costs and fees under Subsection (12)(e)(iii)(A) shall be based on a sliding scale consistent with the local substance abuse authority's policies and practices regarding fees for services or determined by the substance abuse program.

Amended by Chapter 7, 2014 General Session

53-3-232. Conditional license -- May not operate a vehicle or motorboat with alcohol in body -- Penalty.

(1) As used in this section, "qualifying conviction" means:

(a) a conviction of a violation of Section 41-6a-502, Section 41-6a-517, a local ordinance which complies with the requirements of Subsection 41-6a-510(1), Section 76-5-207, or of alcohol-related reckless driving as described under Subsection

41-6a-512(1);

(b) a revocation under Section 41-6a-521 if the revocation is not based on the same arrest as a conviction under Subsection (1)(a); or

(c) a violation of Subsection (3).

(2) (a) Until June 30, 2005, the division may only issue, reinstate, or renew a driver license in the form of a no alcohol conditional license to a person who has a qualifying conviction for a period of:

(i) two years after issuance of a Utah driver license or permit following a first qualifying conviction for an offense, the arrest for which occurred within the previous 10 years; and

(ii) 10 years after issuance of a Utah driver license or permit following a second or subsequent qualifying conviction for an offense, the arrest for which occurred within the previous 10 years.

(b) Beginning on July 1, 2005, the division may not issue, reinstate, or renew a driver license in the form of a no alcohol conditional license.

(3) A no alcohol conditional license shall be issued on the condition that the person may not operate or be in actual physical control of a vehicle or motorboat in this state with any alcohol in the person's body.

(4) It is a class B misdemeanor for a person who has been issued a no alcohol conditional license to operate or be in actual physical control of a vehicle or motorboat in this state in violation of Subsection (3).

Amended by Chapter 2, 2005 General Session

Amended by Chapter 91, 2005 General Session

Amended by Chapter 220, 2005 General Session

53-3-234. Driver license application -- Selective Service Registration -- Statement.

(1) The following information for each male United States citizen or immigrant under the age of 26 shall be electronically transmitted by the division to the Selective Service System:

(a) name;

(b) address;

(c) Social Security number; and

(d) date of birth.

(2) Each application for any type of license to operate a motor vehicle in this state shall contain the following statement which must be acknowledged by the applicant:

"By submitting this application, I am consenting to registration with the Selective Service System, if required by federal law."

(3) Refusal to consent to the release of information to the Selective Service System shall result in the denial of the license.

Enacted by Chapter 125, 2001 General Session

53-3-301. Short title.

This part is known as the "Impaired Persons Licensing Act."

Enacted by Chapter 234, 1993 General Session

53-3-302. Definitions.

As used in this part:

(1) "Board" means the Driver License Medical Advisory Board created in Section 53-3-303.

(2) "Health care professional" means a physician or surgeon licensed to practice medicine in the state, or when recommended by the Medical Advisory Board, may include other health care professionals licensed to conduct physical examinations in this state.

(3) (a) "Impaired person" means a person who has a mental, emotional, or nonstable physical disability or disease that may impair the person's ability to exercise reasonable and ordinary control at all times over a motor vehicle while driving on the highways.

(b) "Impaired person" does not include a person having a nonprogressive or stable physical impairment that is objectively observable and that may be evaluated by a functional driving examination.

Enacted by Chapter 234, 1993 General Session

53-3-303. Driver License Medical Advisory Board -- Membership -- Guidelines for licensing impaired persons -- Recommendations to division.

(1) There is created within the division the Driver License Medical Advisory Board.

(2) (a) The board is comprised of three regular members appointed by the Commissioner of Public Safety to four-year terms.

(b) The board shall be assisted by expert panel members nominated by the board as necessary and as approved by the Commissioner of Public Safety.

(c) Notwithstanding the requirements of Subsection (2)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(e) The expert panel members shall recommend medical standards in the areas of the panel members' special competence for determining the physical, mental, and emotional capabilities of applicants for licenses and licensees.

(3) In reviewing individual cases, a panel acting with the authority of the board consists of at least two members, of which at least one is a regular board member.

(4) The director of the division or his designee serves as secretary to the board and its panels.

(5) Members of the board and expert panel members nominated by them shall be health care professionals.

(6) A member may not receive compensation or benefits for the member's

service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) The board shall meet from time to time when called by the director of the division.

(8) (a) The board shall recommend guidelines and standards for determining the physical, mental, and emotional capabilities of applicants for licenses and for licensees.

(b) The guidelines and standards are applicable to all Utah licensees and for all individuals who hold learner permits and are participating in driving activities in all forms of driver education.

(c) The guidelines and standards shall be published by the division.

(9) If the division has reason to believe that an applicant or licensee is an impaired person, it may:

- (a) act upon the matter based upon the published guidelines and standards; or
- (b) convene a panel to consider the matter and submit findings and a recommendation; the division shall consider the recommendation along with other evidence in determining whether a license should be suspended, revoked, denied, disqualified, canceled, or restricted.

(10) (a) If the division has acted under Subsection (9) to suspend, revoke, deny, disqualify, cancel, or restrict the driving privilege without the convening of a panel, the affected applicant or licensee may within 10 days of receiving notice of the action request in a manner prescribed by the division a review of the division's action by a panel.

(b) The panel shall review the matters and make written findings and conclusions.

(c) The division shall affirm or modify its previous action.

(11) (a) Actions of the division are subject to judicial review as provided in this part.

(b) The guidelines, standards, findings, conclusions, and recommendations of the board or of a panel are admissible as evidence in any judicial review.

(12) Members of the board and its panels incur no liability for recommendations, findings, conclusions, or for other acts performed in good faith and incidental to membership on the board or a panel.

(13) The division shall provide forms for the use of health care professionals in depicting the medical history of any physical, mental, or emotional impairment affecting the applicant's or licensee's ability to drive a motor vehicle.

(14) (a) (i) Individuals who apply for or hold a license and have, or develop, or suspect that they have developed a physical, mental, or emotional impairment that may affect driving safety are responsible for reporting this to the division or its agent.

(ii) If there is uncertainty, the individual is expected to seek competent medical evaluation and advice as to the significance of the impairment as it relates to driving safety, and to refrain from driving until a clarification is made.

(b) Health care professionals who care for patients with physical, mental, or emotional impairments that may affect their driving safety, whether defined by

published guidelines and standards or not, are responsible for making available to their patients without reservation their recommendations and appropriate information related to driving safety and responsibilities.

(c) A health care professional or other person who becomes aware of a physical, mental, or emotional impairment that appears to present an imminent threat to driving safety and reports this information to the division in good faith has immunity from any damages claimed as a result of making the report.

Amended by Chapter 286, 2010 General Session

53-3-303.5. Driver License Medical Advisory Board -- Medical waivers.

(1) The Driver License Medical Advisory Board shall:

(a) advise the director of the division; and
(b) establish and recommend in a manner specified by the board functional ability profile guidelines and standards for determining the physical, mental, and emotional capabilities of applicants for specific types of licenses, appropriate to various driving abilities.

(2) (a) The Driver License Medical Advisory Board shall establish fitness standards, including provisions for a waiver of specified federal driver's physical qualifications under 49 CFR 391.41, for intrastate commercial driving privileges.

(b) The standards under this Subsection (2) may only be implemented if the United States Department of Transportation (USDOT) will not impose any sanctions, including funding sanctions, against the state.

(3) In case of uncertainty of interpretation of these guidelines and standards, or in special circumstances, applicants may request a review of any division decision by a panel of board members. All of the actions of the director and board are subject to judicial review.

(4) (a) If a person applies for a waiver established under Subsection (2), the applicant shall bear any costs directly associated with the cost of administration of the waiver program, with respect to the applicant's application, in addition to any fees required under Section 53-3-105.

(b) The division shall establish any additional fee necessary to administer the license under this Subsection (4) in accordance with Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

53-3-304. Licensing of persons with impairments -- Medical review -- Restricted license -- Procedures.

(1) (a) If the division has reason to believe that an applicant for a license or a mobility vehicle permit is a person with an impairment, the division may require one or both of the following:

(i) a physical examination of the applicant by a health care professional and the submittal by the health care professional of a signed medical report indicating the results of the physical examination;

(ii) a follow-up medical review of the applicant by a health care professional and completion of a medical report at intervals established by the division under standards

recommended by the board.

(b) The format of the medical report required under Subsection (1)(a) shall be devised by the division with the advice of the board and shall elicit the necessary medical information to determine whether it would be a public safety hazard to permit the applicant to drive a motor vehicle or mobility vehicle on the highways.

(2) (a) The division may grant a restricted license to a person with an impairment who is otherwise qualified to obtain a license.

(b) The division may grant a restricted mobility vehicle permit to a person with an impairment who is otherwise qualified to obtain a mobility vehicle permit.

(c) The license or mobility vehicle permit continues in effect until its expiration date so long as the licensee complies with the requirements set forth by the division.

(d) The license or mobility vehicle permit renewal is subject to the conditions of this section.

(e) Any physical, mental, or emotional impairment of the applicant that in the opinion of the division does not affect the applicant's ability to exercise reasonable and ordinary control at all times in driving a motor vehicle upon the highway, does not prevent granting a license or mobility vehicle permit to the applicant.

(3) (a) If an examination is required under this section, the division is not bound by the recommendation of the examining health care professional but shall give fair consideration to the recommendation in acting upon the application. The criterion is whether upon all the evidence it is safe to permit the applicant to drive a motor vehicle or mobility vehicle.

(b) In deciding whether to grant or deny a license or mobility vehicle permit, the division may be guided by the opinion of experts in the fields of diagnosing and treating mental, physical, or emotional disabilities and may take into consideration any other factors that bear on the issue of public safety.

(4) Information provided under this section relating to physical, mental, or emotional impairment is classified under Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 225, 2014 General Session

53-3-305. Notification of impaired person to the division -- Confidentiality of notification -- Rulemaking -- Penalty.

(1) A person who is aware of a physical, mental, or emotional impairment of another person that appears to present an imminent threat to driving safety may notify the division of the impairment.

(2) If the division determines that the notification made under Subsection (1) was made in good faith, the division may require the person who is the subject of the notification to submit to:

- (a) one or more medical reports under Subsection 53-3-304(1);
- (b) a physical and mental fitness test under Section 53-3-206;
- (c) the knowledge test required by the division; or
- (d) the skills test approved by the division.

(3) (a) A person making a notification under Subsection (1) may request that the notification be confidential.

(b) If requested by the person notifying the division, the notification provided under this section relating to a physical, mental, or emotional impairment is classified as a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, and the identity of the person notifying the division may not be disclosed by the division.

(c) The division may not accept an anonymous notification under this section.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing procedures for making a protected notification under this section to ensure that the notification is made in good faith.

(5) A person who makes a notification with the intent to annoy, intimidate, or harass the person that is the subject of the notification is guilty of a class C misdemeanor.

Enacted by Chapter 88, 2008 General Session

53-3-401. Short title.

This part is known as the "Uniform Commercial Driver License Act."

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-402. Definitions.

As used in this part:

(1) "Alcohol" means any substance containing any form of alcohol, including ethanol, methanol, propanol, and isopropanol.

(2) "Alcohol concentration" means the number of grams of alcohol per:

(a) 100 milliliters of blood;

(b) 210 liters of breath; or

(c) 67 milliliters of urine.

(3) "Commercial driver instruction permit" or "CDIP" means a permit issued under Section 53-3-408.

(4) "Commercial driver license information system" or "CDLIS" means the information system established under Title XII, Pub. L. 99-570, the Commercial Motor Vehicle Safety Act of 1986, as a clearinghouse for information related to the licensing and identification of commercial motor vehicle drivers.

(5) "Controlled substance" means any substance so classified under Section 102(6) of the Controlled Substance Act, 21 U.S.C. 802(6), and includes all substances listed on the current Schedules I through V of 21 C.F.R., Part 1308 as they may be revised from time to time.

(6) "Employee" means any driver of a commercial motor vehicle, including:

(a) full-time, regularly employed drivers;

(b) casual, intermittent, or occasional drivers;

(c) leased drivers; and

(d) independent, owner-operator contractors while in the course of driving a commercial motor vehicle who are either directly employed by or under lease to an employer.

(7) "Employer" means any individual or person including the United States, a

state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns an individual to drive a commercial motor vehicle.

(8) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term of more than one year.

(9) "Foreign jurisdiction" means any jurisdiction other than the United States or a state of the United States.

(10) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle or GVWR of a combination or articulated vehicle, and includes the GVWR of the power unit plus the total weight of all towed units and the loads on those units.

(11) "Hazardous material" has the same meaning as defined under 49 C.F.R. Sec. 383.5.

(12) "Imminent hazard" means the existence of a condition, practice, or violation that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment is expected to occur immediately, or before the condition, practice, or violation can be abated.

(13) "Medical certification status" means the medical certification of a commercial driver license holder or commercial motor vehicle operator in any of the following categories:

(a) Non-excepted interstate. A person shall certify that the person:

(i) operates or expects to operate in interstate commerce;

(ii) is both subject to and meets the qualification requirements under 49 C.F.R. Part 391; and

(iii) is required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45.

(b) Excepted interstate. A person shall certify that the person:

(i) operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 C.F.R. Sec. 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R. Part 391; and

(ii) is not required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45.

(c) Non-excepted intrastate. A person shall certify that the person:

(i) operates only in intrastate commerce; and

(ii) is subject to state driver qualification requirements under Sections 53-3-303.5, 53-3-304, and 53-3-414.

(d) Excepted intrastate. A person shall certify that the person:

(i) operates in intrastate commerce; and

(ii) engages exclusively in transportation or operations excepted from all parts of the state driver qualification requirements.

(14) "NDR" means the National Driver Register.

(15) "Nonresident CDL" means a commercial driver license issued by a state to an individual who resides in a foreign jurisdiction.

(16) "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle.

(17) "Port-of-entry agent" has the same meaning as provided in Section

72-1-102.

- (18) "Serious traffic violation" means a conviction of any of the following:
- (a) speeding 15 or more miles per hour above the posted speed limit;
 - (b) reckless driving as defined by state or local law;
 - (c) improper or erratic traffic lane changes;
 - (d) following the vehicle ahead too closely;
 - (e) any other motor vehicle traffic law which arises in connection with a fatal traffic accident;
 - (f) operating a commercial motor vehicle without a CDL or a CDIP;
 - (g) operating a commercial motor vehicle without the proper class of CDL or CDL endorsement for the type of vehicle group being operated or for the passengers or cargo being transported;
 - (h) operating a commercial motor vehicle without a CDL or CDIP license certificate in the driver's possession in violation of Section 53-3-404;
 - (i) using a handheld wireless communication device in violation of Section 41-6a-1716 while operating a commercial motor vehicle; or
 - (j) using a hand-held mobile telephone while operating a commercial motor vehicle in violation of 49 C.F.R. Sec. 392.82.
- (19) "State" means a state of the United States, the District of Columbia, any province or territory of Canada, or Mexico.
- (20) "United States" means the 50 states and the District of Columbia.

Amended by Chapter 411, 2013 General Session

53-3-403. Superseding clause.

This part supersedes the general licensing provisions of state law contained in Parts 1 and 2 of this chapter.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-404. Requirements to drive commercial motor vehicle.

- (1) A person may not drive a commercial motor vehicle, unless the person has been issued and is in immediate possession of:
- (a) a CDL license certificate valid for the commercial motor vehicle the person is driving; or
 - (b) a valid CDIP license certificate in accordance with Section 53-3-408.
- (2) (a) A licensee shall display a CDL or CDIP license certificate upon demand of a justice court judge, a peace officer, a special function officer, a port-of-entry officer, or a designee of the division.
- (b) It is a defense to a charge under this section that the person charged produces in court a CDL or CDIP license certificate that is issued to the person and valid at the time of the citation or arrest.
- (3) A person may not drive a commercial motor vehicle if the person's privilege to drive a commercial motor vehicle is:
- (a) suspended, revoked, or canceled;
 - (b) subject to a disqualification;

- (c) subject to an out-of-service order; or
- (d) not medically certified as defined in Section 53-3-402.
- (4) A person may not drive a commercial motor vehicle if the commercial motor vehicle is subject to an out-of-service order.

Amended by Chapter 190, 2011 General Session

53-3-405. Authority to drive commercial motor vehicle in Utah.

(1) A person who holds or is required to hold a CDL may drive a commercial motor vehicle in this state if:

- (a) the person has a CDL issued by any state in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver licenses;
 - (b) the person's license is not denied, suspended, revoked, or canceled;
 - (c) the person is not disqualified from driving a commercial motor vehicle; and
 - (d) the person has a valid medical certification status.
- (2) This section supersedes any provision to the contrary.

Amended by Chapter 190, 2011 General Session

53-3-406. Commercial motor vehicle driver -- Only one license.

Any person who drives a commercial motor vehicle may only have one license.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may administer skills test.

(1) (a) As used in this section, "CDL driver training school" means a business enterprise conducted by an individual, association, partnership, or corporation that:

- (i) educates and trains persons, either practically or theoretically, or both, to drive commercial motor vehicles; and
- (ii) prepares an applicant for an examination under Subsection (2)(a)(ii) or (2)(b)(i)(B).

(b) A CDL driver training school may charge a consideration or tuition for the services provided under Subsection (1)(a).

(2) (a) Except as provided in Subsection (2)(b) and (c), a CDL may be issued only to a person who:

- (i) is a resident of this state;
- (ii) has passed a test of knowledge and skills for driving a commercial motor vehicle, that complies with minimum standards established by federal regulation in 49 C.F.R. Part 383, Subparts G and H; and
- (iii) has complied with all requirements of 49 C.F.R. Part 383 and other applicable state laws and federal regulations.

(b) (i) A temporary CDL may be issued to a person who:

- (A) is enrolled in a CDL driver training school located in Utah;
- (B) has passed a test of knowledge and skills for driving a commercial motor vehicle, that complies with minimum standards established by federal regulation in 49

C.F.R. Part 383, Subparts G and H; and

(C) has complied with all requirements of 49 C.F.R. Part 383, Subparts G and H.

(ii) A temporary CDL issued under this Subsection (2)(b):

(A) is valid for 60 days; and

(B) may not be renewed or extended.

(iii) Except as provided in this section and Subsections 53-3-204(1)(a)(v), 53-3-205(8)(a)(i)(E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL issued under this Subsection (2)(b) in the same way as a commercial driver license issued under this part.

(c) The department shall waive the skills test specified in this section for a commercial driver license applicant who, subject to the limitations and requirements of 49 C.F.R. Sec. 383.77, meets all certifications required for a waiver under 49 C.F.R. Sec. 383.77 and certifies that the applicant:

(i) is a member of the active or reserve components of any branch or unit of the armed forces or a veteran who received an honorable or general discharge from any branch or unit of the active or reserve components of the United States Armed Forces;

(ii) is or was regularly employed in a position in the armed forces requiring operation of a commercial motor vehicle; and

(iii) has legally operated, while on active duty for at least two years immediately preceding application for a commercial driver license, a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate.

(d) An applicant who requests a waiver under Subsection (2)(c) shall present a completed application for a military skills test waiver at the time of the request.

(3) Tests required under this section shall be prescribed and administered by the division.

(4) The division shall authorize a person, an agency of this state, an employer, a private driver training facility or other private institution, or a department, agency, or entity of local government to administer the skills test required under this section if:

(a) the test is the same test as prescribed by the division, and is administered in the same manner; and

(b) the party authorized under this section to administer the test has entered into an agreement with the state that complies with the requirements of 49 C.F.R. Sec. 383.75.

(5) A person who has an appointment with the division for testing and fails to keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105.

(6) A person authorized under this section to administer the skills test is not criminally or civilly liable for the administration of the test unless he administers the test in a grossly negligent manner.

(7) The division may waive the skills test required under this section if it determines that the applicant meets the requirements of 49 C.F.R. Sec. 383.77.

Amended by Chapter 85, 2014 General Session

53-3-407.1. Commercial driver license third party tester or third party

examiner license -- Fingerprint background check required.

(1) A commercial driver license third party tester or commercial driver license third party examiner shall be licensed by the division to be eligible to administer the commercial driver license skills tests.

(2) (a) An applicant for a commercial driver license third party tester or third party examiner license shall submit fingerprints in a form acceptable to the division at the time the license application is filed and shall consent to a fingerprint background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.

(b) The division shall request the Department of Public Safety to complete a Federal Bureau of Investigation criminal background check for each commercial driver license third party tester or third party examiner applicant through the national criminal history system or any successor system.

(c) The Utah Bureau of Criminal Identification shall release to the division all information received in response to the division's request under this Subsection (2).

(d) A commercial driver license third party tester or third party examiner license may not be issued under this section until the criminal background check required under this Subsection (2) has been completed and reviewed by the division.

(e) In addition to any fees imposed under this chapter, the division shall:

(i) impose on individuals submitting fingerprints in accordance with this Subsection (2) the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under this section; and

(ii) remit the fees collected under this Subsection (2)(e) to the Bureau of Criminal Identification.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:

(a) minimum standards for a commercial driver license third party tester or third party examiner license;

(b) procedures for an applicant to apply for a commercial driver license third party tester or third party examiner license;

(c) minimum standards for the commercial driver license skills test; and

(d) procedures to enable a licensed commercial driver license third party tester or commercial driver license third party examiner to administer or process a commercial driver license skills test for an applicant to receive a commercial driver license.

Enacted by Chapter 411, 2013 General Session

53-3-408. Qualifications for commercial driver instruction permit.

(1) The division may issue a CDIP to a person who:

(a) holds a valid license;

(b) has at least one year of driving experience; and

(c) has passed the vision and knowledge test for the class of license for which he is applying.

(2) A CDIP may be:

(a) issued only for a period not to exceed six months; and

(b) renewed or issued again only once within a two-year period.

- (3) The holder of a CDIP may drive a commercial motor vehicle on a highway only when accompanied by a person who:
- (a) (i) holds a CDL valid for the type of commercial motor vehicle driven; or
 - (ii) is certified by the division to administer driver licensing examinations to CDL applicants; and
 - (b) occupies a seat beside the individual for the purpose of:
 - (i) giving the driver instruction regarding the driving of the commercial motor vehicle; or
 - (ii) administering a driver licensing examination to a CDL applicant.
- (4) A CDL or CDIP may not be issued to a person:
- (a) subject to disqualification from driving a commercial motor vehicle; or
 - (b) whose license is suspended, revoked, or canceled in any state.
- (5) A CDL or CDIP may not be issued to a person until the person has surrendered all license certificates the person holds to the division for cancellation.

Amended by Chapter 201, 2006 General Session

53-3-410. Applicant information required for CDIP and CDL -- State resident to have state CDL.

- (1) The application for a CDL, limited-term CDL, or CDIP shall include the following information regarding the applicant:
- (a) full legal name;
 - (b) current mailing address;
 - (c) Utah residential address, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b);
 - (d) physical description, including sex, height, weight, and eye color;
 - (e) date of birth;
 - (f) documentary evidence of the applicant's valid Social Security number;
 - (g) a complete list of all states in which the applicant was issued a driver license in the previous 10 years;
 - (h) the applicant's signature;
 - (i) evidence of the applicant's lawful presence in the United States by providing documentary evidence:
 - (i) that a person is:
 - (A) a United States Citizen;
 - (B) a United States national; or
 - (C) a legal permanent resident alien; or
 - (ii) of the applicant's:
 - (A) unexpired immigrant or nonimmigrant visa status for admission into the United States;
 - (B) pending or approved application for asylum in the United States;
 - (C) admission into the United States as a refugee;
 - (D) pending or approved application for temporary protected status in the United States;
 - (E) approved deferred action status;
 - (F) pending application for adjustment of status to legal permanent resident or

conditional resident; or

(G) conditional permanent resident alien status; and

(j) beginning on January 30, 2012, a medical certification status.

(2) An application under this section shall also include all certifications required by 49 C.F.R., Part 383.71.

(3) When the holder of a license under this part changes the holder's name, mailing address, or residence, the holder shall make application for a duplicate license within 30 days of the change.

(4) A person who has been a resident of this state for 30 consecutive days may not drive a commercial motor vehicle under the authority of a commercial driver license issued by another jurisdiction.

Amended by Chapter 190, 2011 General Session

Amended by Chapter 415, 2011 General Session

53-3-410.1. Medical certification requirements.

(1) A person whose medical certification status is:

(a) "non-excepted interstate" under Subsection 53-3-402(13)(a) is required to provide the division a medical self certification and an updated medical examiner's certificate under 49 C.F.R. Sec. 391.45 upon request by the division;

(b) "excepted interstate" under Subsection 53-3-402(13)(b) is required to provide to the division a medical self certification upon request by the division;

(c) "non-excepted intrastate" under Subsection 53-3-402(13)(c) is required to, upon request by the division:

(i) provide to the division a medical self certification; and

(ii) comply with the requirements of Section 53-3-303.5; or

(d) "excepted intrastate" under Subsection 53-3-402(13)(b) is required to, upon request by the division:

(i) provide to the division a medical self certification; and

(ii) (A) provide to the division an updated medical examiner's certificate under 49 C.F.R. Sec. 391.45; or

(B) comply with the requirements of Section 53-3-303.5.

(2) A request by the division for a person to comply with Subsection (1) shall correspond with the expiration of the previously submitted medical examiner's certificate.

(3) If a person fails to comply with a request under this section, the person shall be required to downgrade the person's CDL to a class D license.

(4) Failure to comply with the requirement of this section shall result in the denial of the license under Section 53-3-221.

Amended by Chapter 411, 2013 General Session

53-3-411. Description of CDL -- Information to be included.

(1) The CDL certificate shall be printed with the identifying words "Commercial Driver License" or "CDL".

(2) To the maximum extent practicable, the CDL certificate shall be resistant to

alteration.

- (3) The CDL certificate shall include:
 - (a) the legal name and principal place of residence of the holder;
 - (b) the holder's photograph in color;
 - (c) a physical description of the holder, including sex and height;
 - (d) the holder's birth date;
 - (e) the holder's Utah license certificate number;
 - (f) the holder's signature;
 - (g) the class or type of commercial motor vehicle or vehicles the holder is authorized to drive;
 - (h) any endorsements or restrictions to which the holder is subject;
 - (i) the name of the issuing state; and
 - (j) the dates between which the CDL is valid.
- (4) The CDL may not include the holder's Social Security number.

Amended by Chapter 144, 2004 General Session

53-3-412. CDL classifications, endorsements, and restrictions.

(1) A CDL may be granted with the following classifications, endorsements, and restrictions:

- (a) Classifications:
 - (i) Class A: any combination of vehicles with a GVWR of 26,001 pounds or more, if the GVWR of the one or more vehicles being towed is in excess of 10,000 pounds;
 - (ii) Class B: any single motor vehicle with a GVWR of 26,001 pounds or more, including that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less; and
 - (iii) Class C: any single motor vehicle with a GVWR of less than 26,001 pounds or that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less when the vehicle is designed:
 - (A) to carry 16 or more passengers, including the driver;
 - (B) as a school bus, and weighing less than 26,001 pounds GVWR; or
 - (C) to transport hazardous materials that requires the vehicle to be placarded under 49 C.F.R. Part 172, Subpart F.
- (b) Endorsements:
 - (i) "H" authorizes the driver to drive a commercial motor vehicle transporting hazardous materials as defined in 49 C.F.R. Sec. 383.5.
 - (ii) "N" authorizes the driver to drive a tank vehicle.
 - (iii) "P" authorizes the driver to drive a motor vehicle designed to carry 16 or more passengers including the driver.
 - (iv) "S" authorizes the driver to transport preprimary, primary, or secondary school students from home to school, school to home, or to and from school-sponsored events.
 - (v) "T" authorizes the driver to drive a commercial motor vehicle with a double or triple trailer.
 - (vi) "X" authorizes the driver to drive a tank vehicle and transport hazardous

materials.

(c) Restrictions:

(i) "E" restricts the driver from driving a commercial motor vehicle with a manual transmission.

(ii) "K" restricts the driver to driving intrastate only any commercial motor vehicle as defined by 49 C.F.R. Parts 383 and 390.

(iii) "L" restricts the driver to driving a commercial motor vehicle not equipped with air brakes.

(iv) "J" provides for other CDL restrictions.

(v) "M" restricts a driver from transporting passengers using a class A bus.

(vi) "N" restricts a driver from transporting passengers using a class A or class B bus.

(vii) "O" restricts a driver from driving a commercial motor vehicle equipped with a tractor trailer.

(viii) (A) "V" indicates that the driver has been issued a variance by the Federal Motor Carrier Safety Administration in reference to the driver's medical certification status.

(B) A driver with a "V" restriction shall have the letter outlining the specifications for the variance in the driver's possession along with the driver's commercial driver license when operating a commercial motor vehicle.

(ix) "Z" restricts a driver from driving a commercial motor vehicle with non-fully equipped air brakes.

(2) A commercial driver instruction permit may be granted with the following classifications, endorsements, and restrictions:

(a) Classifications:

(i) Class A: any combination of vehicles with a GVWR of 26,001 pounds or more, if the GVWR of the one or more vehicles being towed is in excess of 10,000 pounds;

(ii) Class B: any single motor vehicle with a GVWR of 26,001 pounds or more, including that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less; and

(iii) Class C: any single motor vehicle with a GVWR of less than 26,001 pounds or that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less when the vehicle is designed:

(A) to carry 16 or more passengers, including the driver;

(B) as a school bus, and weighing less than 26,001 pounds GVWR; or

(C) to transport hazardous material that requires the vehicle to be placarded under 49 C.F.R. Part 172, Subpart F.

(b) Endorsements:

(i) "N" authorizes the driver to drive a tank vehicle. An "N" endorsement may only be issued with an "X" restriction.

(ii) "P" authorizes the driver to drive a motor vehicle designed to carry 16 or more passengers including the driver. A "P" endorsement may only be issued with a "P" restriction.

(iii) "S" authorizes the driver to transport preprimary, primary, or secondary school students from home to school, school to home, or to and from school-sponsored

events. An "S" endorsement may only be issued with a "P" restriction.

(c) Restrictions:

(i) "K" restricts the driver to driving intrastate only any commercial motor vehicle as defined by 49 C.F.R. Parts 383 and 390.

(ii) "L" restricts the driver to driving a commercial motor vehicle not equipped with air brakes.

(iii) "M" restricts a driver from transporting passengers using a class A bus.

(iv) "N" restricts a driver from transporting passengers using a class A or class B bus.

(v) "P" restricts a driver from having one or more passengers in the vehicle while driving a commercial motor vehicle bus unless the passenger is:

(A) a federal or state auditor or inspector;

(B) a test examiner;

(C) another trainee; or

(D) the CDL holder accompanying the CDIP holder as required in 49 C.F.R.

Sec. 383.25.

(vi) (A) "V" indicates that the driver has been issued a variance by the Federal Motor Carrier Safety Administration in reference to the driver's medical certification status.

(B) A driver with a "V" restriction shall have the letter outlining the specifications for the variance in the driver's possession along with the driver's commercial driver license when operating a commercial motor vehicle.

(vii) "X" restricts a driver from having cargo in a commercial motor vehicle tank vehicle.

Amended by Chapter 411, 2013 General Session

53-3-413. Issuance of CDL by division -- Driving record -- Expiration date -- Renewal -- Hazardous materials provision.

(1) Before the division may grant a CDL, the division shall obtain the driving record information regarding the applicant through the CDLIS, the NDR, and from each state where the applicant has been licensed.

(2) The division shall notify the CDLIS and provide all information required to ensure identification of the CDL holder within 10 days after:

(a) issuing a CDL following application for an original, renewal, transfer, or upgrade of the CDL; or

(b) any change is made to the identifying information of a CDL holder.

(3) (a) The expiration date for a CDL is the birth date of the holder in the fifth year following the year of issuance of the CDL.

(b) A limited-term CDL expires on:

(i) the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided in Subsection (3)(a), whichever is sooner; or

(ii) on the birth date of the applicant in the first year following the year that the limited-term CDL was issued if there is no definite end to the individual's period of authorized stay.

(c) An original CDL or a renewal to an original CDL expires on the birth date of

the applicant in the first year following the year that the license was issued if the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

(d) A CDL held by a person ordered to active duty and stationed outside Utah in any of the armed forces of the United States, which expires during the time period the person is stationed outside of the state, is valid until 90 days after the person has been discharged or has left the service, unless:

(i) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or

(ii) the licensee updates the information or photograph on the license certificate.

(4) (a) The applicant for a renewal of a CDL shall complete the application form required by Section 53-3-410 and provide updated information and required certification.

(b) In addition to the requirements under Subsection (4)(a), the applicant for a renewal of a limited-term CDL shall present documentary evidence that the status by which the individual originally qualified for the limited-term CDL has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

(5) The division shall distinguish a limited-term CDL by clearly indicating on the document:

(a) that it is temporary; and

(b) its expiration date.

(6) (a) The division may not issue a hazardous materials endorsement on a CDL unless the applicant meets the security threat assessment standards of the federal Transportation Security Administration.

(b) The division shall revoke the hazardous materials endorsement on a CDL upon receiving notice from the federal Transportation Security Administration that the person holding a hazardous materials endorsement does not meet Transportation Security Administration security threat assessment standards.

(c) To obtain an original hazardous materials endorsement or retain a hazardous materials endorsement upon CDL renewal or transfer, the applicant must take and pass the knowledge test for hazardous materials endorsement in addition to any other testing required by the division.

(7) Unless otherwise provided, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a limited-term CDL in the same way as a CDL issued under this chapter.

Amended by Chapter 145, 2012 General Session

53-3-414. CDL disqualification or suspension -- Grounds and duration -- Procedure.

(1) (a) A person who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle for a period of not less than one year effective seven days from the date of notice to the driver if convicted of a first offense of:

(i) driving a motor vehicle while under the influence of alcohol, drugs, a controlled substance, or more than one of these;

(ii) driving a commercial motor vehicle while the concentration of alcohol in the person's blood, breath, or urine is .04 grams or more;

(iii) leaving the scene of an accident involving a motor vehicle the person was driving;

(iv) failing to provide reasonable assistance or identification when involved in an accident resulting in:

(A) death in accordance with Section 41-6a-401.5; or

(B) personal injury in accordance with Section 41-6a-401.3;

(v) using a motor vehicle in the commission of a felony;

(vi) refusal to submit to a test to determine the concentration of alcohol in the person's blood, breath, or urine;

(vii) driving a commercial motor vehicle while the person's commercial driver license is disqualified in accordance with the provisions of this section for violating an offense described in this section; or

(viii) operating a commercial motor vehicle in a negligent manner causing the death of another including the offenses of automobile homicide under Section 76-5-207, manslaughter under Section 76-5-205, or negligent homicide under Section 76-5-206.

(b) The division shall subtract from any disqualification period under Subsection (1)(a)(i) the number of days for which a license was previously disqualified under Subsection (1)(a)(ii) or (14) if the previous disqualification was based on the same occurrence upon which the record of conviction is based.

(2) If any of the violations under Subsection (1) occur while the driver is transporting a hazardous material required to be placarded, the driver is disqualified for not less than three years.

(3) (a) Except as provided under Subsection (4), a driver of a motor vehicle who holds or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if convicted of or administrative action is taken for two or more of any of the offenses under Subsection (1), (5), or (14) arising from two or more separate incidents.

(b) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.

(4) (a) Any driver disqualified for life from driving a commercial motor vehicle under this section may apply to the division for reinstatement of the driver's CDL if the driver:

(i) has both voluntarily enrolled in and successfully completed an appropriate rehabilitation program that:

(A) meets the standards of the division; and

(B) complies with 49 C.F.R. Sec. 383.51;

(ii) has served a minimum disqualification period of 10 years; and

(iii) has fully met the standards for reinstatement of commercial motor vehicle driving privileges established by rule of the division.

(b) If a reinstated driver is subsequently convicted of another disqualifying offense under this section, the driver is permanently disqualified for life and is ineligible to again apply for a reduction of the lifetime disqualification.

(5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if the driver uses a motor

vehicle in the commission of any felony involving the manufacturing, distributing, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance and is ineligible to apply for a reduction of the lifetime disqualification under Subsection (4).

(6) (a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for not less than:

(i) 60 days from driving a commercial motor vehicle if the driver is convicted of two serious traffic violations; and

(ii) 120 days if the driver is convicted of three or more serious traffic violations.

(b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic violations:

(i) occur within three years of each other;

(ii) arise from separate incidents; and

(iii) involve the use or operation of a commercial motor vehicle.

(c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle and the division receives notice of a subsequent conviction for a serious traffic violation that results in an additional disqualification period under this Subsection (6), the subsequent disqualification period is effective beginning on the ending date of the current serious traffic violation disqualification period.

(7) (a) A driver of a commercial motor vehicle who is convicted of violating an out-of-service order while driving a commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period not less than:

(i) 180 days if the driver is convicted of a first violation;

(ii) two years if, during any 10 year period, the driver is convicted of two violations of out-of-service orders in separate incidents;

(iii) three years but not more than five years if, during any 10 year period, the driver is convicted of three or more violations of out-of-service orders in separate incidents;

(iv) 180 days but not more than two years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded or while operating a motor vehicle designed to transport 16 or more passengers, including the driver; or

(v) three years but not more than five years if, during any 10 year period, the driver is convicted of two or more violations, in separate incidents, of an out-of-service order while transporting hazardous materials required to be placarded or while operating a motor vehicle designed to transport 16 or more passengers, including the driver.

(b) A driver of a commercial motor vehicle who is convicted of a first violation of an out-of-service order is subject to a civil penalty of not less than \$2,500.

(c) A driver of a commercial motor vehicle who is convicted of a second or subsequent violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.

(8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for not less than 60 days if the division determines, in its check of the driver's driver license status, application, and record prior to issuing a CDL or at any

time after the CDL is issued, that the driver has falsified information required to apply for a CDL in this state.

(9) A driver of a commercial motor vehicle who is convicted of violating a railroad-highway grade crossing provision under Section 41-6a-1205, while driving a commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period not less than:

- (a) 60 days if the driver is convicted of a first violation;
- (b) 120 days if, during any three-year period, the driver is convicted of a second violation in separate incidents; or
- (c) one year if, during any three-year period, the driver is convicted of three or more violations in separate incidents.

(10) (a) The division shall update its records and notify the CDLIS within 10 days of suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.

(b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL, the division shall notify the licensing authority of the issuing state or other jurisdiction and the CDLIS within 10 days after the action is taken.

(c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this state, the division shall notify the CDLIS within 10 days after the action is taken.

(11) (a) The division may immediately suspend or disqualify the CDL of a driver without a hearing or receiving a record of the driver's conviction when the division has reason to believe that the:

- (i) CDL was issued by the division through error or fraud;
- (ii) applicant provided incorrect or incomplete information to the division;
- (iii) applicant cheated on any part of a CDL examination;
- (iv) driver no longer meets the fitness standards required to obtain a CDL; or
- (v) driver poses an imminent hazard.

(b) Suspension of a CDL under this Subsection (11) shall be in accordance with Section 53-3-221.

(c) If a hearing is held under Section 53-3-221, the division shall then rescind the suspension order or cancel the CDL.

(12) (a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is required to hold a CDL is disqualified for not less than:

- (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two serious traffic violations; and
- (ii) 120 days if the driver is convicted of three or more serious traffic violations.

(b) The disqualifications under Subsection (12)(a) are effective only if the serious traffic violations:

- (i) occur within three years of each other;
- (ii) arise from separate incidents; and
- (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving privilege from at least one of the violations.

(c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle and the division receives notice of a subsequent conviction for a serious traffic violation that results in an additional disqualification period under this Subsection (12), the subsequent disqualification

period is effective beginning on the ending date of the current serious traffic violation disqualification period.

(13) (a) Upon receiving a notice that a person has entered into a plea of guilty or no contest to a violation of a disqualifying offense described in this section which plea is held in abeyance pursuant to a plea in abeyance agreement, the division shall disqualify, suspend, cancel, or revoke the person's CDL for the period required under this section for a conviction of that disqualifying offense, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) The division shall report the plea in abeyance to the CDLIS within 10 days of taking the action under Subsection (13)(a).

(c) A plea which is held in abeyance may not be removed from a person's driving record for 10 years from the date of the plea in abeyance agreement, even if the charge is:

- (i) reduced or dismissed in accordance with the plea in abeyance agreement; or
- (ii) expunged under Section 77-40-105.

(14) The division shall disqualify the CDL of a driver for an arrest of a violation of Section 41-6a-502 when administrative action is taken against the operator's driving privilege pursuant to Section 53-3-223 for a period of:

- (a) one year; or
- (b) three years if the violation occurred while transporting hazardous materials.

(15) The division may concurrently impose any disqualification periods that arise under this section while a driver is disqualified by the Secretary of the United States Department of Transportation under 49 C.F.R. Sec. 383.52 for posing an imminent hazard.

Amended by Chapter 411, 2013 General Session

53-3-415. Limitations on employment of commercial motor vehicle drivers.

(1) An employer shall require each applicant for employment as a commercial motor vehicle driver to provide the information required in Section 53-3-416 regarding the applicant's employment history.

(2) An employer may not knowingly allow, permit, or authorize a driver to drive a commercial motor vehicle during any period when the driver:

- (a) has a CDL that is suspended, revoked, or canceled by any state;
- (b) has lost the privilege to drive a commercial motor vehicle in a state;
- (c) has been disqualified from driving a commercial motor vehicle;
- (d) has more than one license;
- (e) is subject to an out-of-service order; or
- (f) is operating a commercial motor vehicle or employed by a motor carrier

operation that is subject to an out-of-service order.

(3) An employer may not knowingly allow, permit, require, or authorize a person to violate a federal, state, or local law pertaining to railroad-highway grade crossings.

(4) (a) An employer who violates Subsection (2)(a), (b), or (c) during the period the driver has been disqualified under Subsection 53-3-414(9) is subject to a civil penalty of not more than \$10,000.

(b) An employer who is convicted of violating Subsection (2)(e) or (f) is subject to a civil penalty of not less than \$2,750 nor more than \$25,000.

(c) An employer who is convicted of violating Subsection (3) is subject to a civil penalty of \$10,000.

Amended by Chapter 196, 2010 General Session

53-3-416. Driving record and other information to be provided to employer.

(1) Each person who drives a commercial motor vehicle who has a CDL issued by this state and who is convicted of violating, in any type of motor vehicle, a state or local law relating to motor vehicle traffic, other than a parking violation, in this or any other state or jurisdiction, shall notify both the division and his current employer of the conviction within 30 days of the date of conviction.

(2) A driver shall notify his current employer before the end of the business day following the day he receives notice that:

(a) his CDL is suspended, revoked, or canceled by any state;

(b) he loses the privilege to drive a commercial motor vehicle in any state or other jurisdiction for any period; or

(c) he is disqualified from driving a commercial motor vehicle for any period.

(3) A person who applies to be a commercial motor vehicle driver shall at the time of application provide to the employer the following information for the 10 years prior to the date of application:

(a) a list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle as any part of his employment;

(b) the dates between which the applicant drove for each employer listed under Subsection (3)(a); and

(c) the reason the applicant's employment with each employer listed was terminated.

(4) (a) An applicant shall certify that all information provided under this section is true and complete to the best of his knowledge.

(b) An employer receiving information under this section may require that an applicant provide additional information.

Amended by Chapter 324, 2010 General Session

53-3-417. Measurable alcohol amount consumed -- Penalty -- Refusal to take test for alcohol.

(1) A person who holds or is required to hold a CDL may not drive a commercial motor vehicle while there is any measurable or detectable alcohol in his body.

(2) The division, a port-of-entry agent, or a peace officer shall place a person out-of-service for 24 consecutive hours who:

(a) violates Subsection (1); or

(b) refuses a request to submit to a test to determine the alcohol concentration of his blood, breath, or urine.

Amended by Chapter 282, 1998 General Session

53-3-418. Prohibited alcohol level for drivers -- Procedures, including hearing.

(1) A person who holds or is required to hold a CDL may not drive a commercial motor vehicle in this state if the person:

(a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .04 grams or greater at the time of the test after the alleged driving of the commercial motor vehicle;

(b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to degree that renders the person incapable of safely driving a commercial motor vehicle; or

(c) has a blood or breath alcohol concentration of .04 grams or greater at the time of driving the commercial motor vehicle.

(2) A person who holds or is required to hold a CDL and who drives a commercial motor vehicle in this state is considered to have given the person's consent to a test or tests of the person's blood, breath, or urine to determine the concentration of alcohol or the presence of other drugs in the person's physical system.

(3) If a peace officer or port-of-entry agent has reasonable cause to believe that a person may be violating this section, the peace officer or port-of-entry agent may request the person to submit to a chemical test to be administered in compliance with Section 41-6a-515.

(4) When a peace officer or port-of-entry agent requests a person to submit to a test under this section, the peace officer or port-of-entry agent shall advise the person that test results indicating .04 grams or greater alcohol concentration or refusal to submit to any test requested will result in the person's disqualification under Section 53-3-414 from driving a commercial motor vehicle.

(5) If test results under this section indicate .04 grams or greater of alcohol concentration or the person refuses to submit to any test requested under this section, a peace officer or port-of-entry agent shall, on behalf of the division and within 24 hours of the arrest, give the person notice of the division's intention to disqualify the person's privilege to drive a commercial motor vehicle.

(6) When a peace officer or port-of-entry agent gives notice under Subsection (5), the peace officer or port-of-entry agent shall:

(a) take any Utah license certificate or permit held by the driver;

(b) issue to the driver a temporary license certificate effective for 29 days from the date of arrest;

(c) provide the driver, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division; and

(d) issue a 24-hour out-of-service order.

(7) A notice of disqualification issued under Subsection (6) may serve also as the temporary license certificate under that subsection, if provided in a manner specified by the division.

(8) As a matter of procedure, a peace officer or port-of-entry agent shall, within 10 calendar days after the day on which notice is provided, send to the division the person's license certificate, a copy of the notice, and a report signed by the peace

officer or port-of-entry agent that indicates the results of any chemical test administered or that the person refused a test.

(9) (a) A person disqualified under this section has the right to a hearing regarding the disqualification.

(b) The request for the hearing shall be submitted to the division in a manner specified by the division and shall be made within 10 calendar days of the date the notice was issued. If requested, the hearing shall be conducted within 29 days after the date of arrest.

(10) (a) (i) Except as provided in Subsection (10)(a)(ii), a hearing held under this section shall be held before the division and in:

(A) the county where the notice was issued; or

(B) a county that is adjacent to the county where the notice was issued.

(ii) The division may hold a hearing in some other county if the division and the person both agree.

(b) The hearing shall be documented and shall determine:

(i) whether the peace officer or port-of-entry agent had reasonable grounds to believe the person had been driving a motor vehicle in violation of this section;

(ii) whether the person refused to submit to any requested test; and

(iii) any test results obtained.

(c) In connection with a hearing the division or its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and documents.

(d) One or more members of the division may conduct the hearing.

(e) A decision made after a hearing before any number of members of the division is as valid as if the hearing were held before the full membership of the division.

(f) After a hearing under this section the division shall indicate by order if the person's CDL is disqualified.

(g) If the person for whom the hearing is held fails to appear before the division as required in the notice, the division shall indicate by order if the person's CDL is disqualified.

(11) (a) If the division disqualifies a person under this section following an administrative hearing, the person may petition for a hearing under Section 53-3-224.

(b) The petition shall be filed within 30 days after the division issues the disqualification.

(12) (a) A person who violates this section shall be punished in accordance with Section 53-3-414.

(b) (i) In accordance with Section 53-3-414, the first disqualification under this section shall be for one year, and a second disqualification shall be for life.

(ii) A disqualification under Section 53-3-414 begins on the 30th day after the date of arrest.

(13) (a) In addition to the fees imposed under Section 53-3-205 for reinstatement of a CDL, a fee under Section 53-3-105 to cover administrative costs shall be paid before the driving privilege is reinstated.

(b) The fees under Sections 53-3-105 and 53-3-205 shall be canceled if an unappealed hearing at the division or court level determines the disqualification was not proper.

Amended by Chapter 40, 2009 General Session

53-3-419. Nonresident driver violations reported to resident state.

(1) When the division receives a report of the conviction or plea in abeyance of a nonresident holder of a CDL for a violation of a state law or local ordinance relating to traffic control, the division shall notify the driver licensing authority in the licensing state within five days of receipt of the report.

(2) This section does not apply to parking violations.

Amended by Chapter 190, 2011 General Session

53-3-420. Driver's driving record available for certain purposes.

The division shall provide full information regarding the driving record of any holder of a CDL within 10 days of a request to:

- (1) the driver license administrator of any other state requesting that information;
- (2) any employer or prospective employer of a person to drive a commercial motor vehicle upon request and payment of a fee under Section 53-3-105;
- (3) insurers of commercial motor vehicle drivers upon request and payment of a fee under Section 53-3-105; and
- (4) the Secretary of the United States Department of Transportation.

Amended by Chapter 53, 2007 General Session

53-3-501. Short title.

This part is known as the "Commercial Driver Training Schools Act."

Enacted by Chapter 234, 1993 General Session

53-3-502. Definitions.

As used in this part:

(1) (a) "Commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons, either practically or theoretically, or both, to:

- (i) drive motor vehicles, including motorcycles; and
- (ii) prepare an applicant for an examination given by the state for a license or learner permit.

(b) A commercial driver training school may charge a consideration or tuition for the services described under Subsection (1)(a).

(2) (a) "Commercial testing only school" means a business enterprise conducted by an individual, association, partnership, or corporation that:

- (i) is designated by the division as a commercial testing only school;
- (ii) employs instructors who are certified by the division; and
- (iii) engages only in testing students for the purpose of obtaining a driver license.

(b) A commercial testing only school may conduct behind-the-wheel or

observation instruction if approved by the division.

(c) A commercial testing only school may not engage in education or training of persons, either practically or theoretically, or both to drive motor vehicles, except when:

(i) counseling the driver following a test in reference to errors made during the administration of the test; or

(ii) conducting behind-the-wheel or observation instruction if approved by the division.

(d) A commercial testing only school may not test an individual who has completed any behind-the-wheel or observation instruction through the school with which the tester is employed.

(3) "Instructor" means a person, whether acting as an operator of a commercial driver training school or for a school for compensation, who:

(a) teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to drive motor vehicles, including motorcycles;

(b) prepares persons to take an examination for a license or learner permit; or

(c) supervises the work of any other instructor.

(4) "School operator" means a person who:

(a) is certified as an instructor;

(b) has met the requirements for school operator status as established by the division;

(c) is authorized or certified to operate or manage a driver training school; and

(d) may supervise the work of another instructor.

Amended by Chapter 266, 2006 General Session

53-3-503. Exemption for college, university, and high school programs.

This part does not apply to any person giving driver training lessons to schools or classes conducted by colleges, universities, and high schools for regularly enrolled full-time students as a part of the normal program for the institutions.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-504. Licenses required -- Inspections.

(1) A commercial driver training school or a commercial testing only school may be established only if the school applies for and obtains a license from the division.

(2) A person may act as an instructor or school operator only if the person applies for and obtains a license from the division.

(3) The division shall inspect the school facilities and equipment of applicants and licensees and examine applicants for instructor's licenses.

(4) The division shall administer and enforce this part.

Amended by Chapter 266, 2006 General Session

53-3-505. School license -- Contents of rules.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules regarding the requirements for:

- (a) a school license, including requirements concerning:
 - (i) locations;
 - (ii) equipment;
 - (iii) courses of instruction;
 - (iv) instructors;
 - (v) previous records of the school and instructors;
 - (vi) financial statements;
 - (vii) schedule of fees and charges;
 - (viii) character and reputation of the operators and instructors;
 - (ix) insurance as the commissioner determines necessary to protect the interests of the public; and
 - (x) other provisions the commissioner may prescribe for the protection of the public; and
 - (b) an instructor's license, including requirements concerning:
 - (i) moral character;
 - (ii) physical condition;
 - (iii) knowledge of the courses of instruction;
 - (iv) motor vehicle laws and safety principles and practices;
 - (v) previous personnel and employment records; and
 - (vi) other provisions the commissioner may prescribe for the protection of the public;
 - (c) applications for licenses; and
 - (d) minimum standards for:
 - (i) driving simulation devices that are fully interactive under Subsection 53-3-505.5(2)(b); and
 - (ii) driving simulation devices that are not fully interactive under Subsection 53-3-505.5(2)(c).
- (2) Rules made by the commissioner shall require that a commercial driver training school offering motorcycle rider education meet or exceed the standards established by the Motorcycle Safety Foundation.
- (3) Rules made by the commissioner shall require that an instructor of motorcycle rider education meet or exceed the standards for certification established by the Motorcycle Safety Foundation.
- (4) The commissioner may call upon the state superintendent of public instruction for assistance in formulating appropriate rules.

Amended by Chapter 382, 2008 General Session

53-3-505.5. Behind-the-wheel training requirements.

(1) Except as provided under Subsection (2), a driver education course under this part or Title 53A, Chapter 13, Part 2, Driver Education Classes that is used to satisfy the driver training requirement under Section 53-3-204 shall require each student to complete at least six hours of behind-the-wheel driving a dual-control motor vehicle with a certified instructor seated in the front seat next to the student driver.

(2) Up to three hours of the behind-the-wheel driving may be substituted as follows:

(a) two hours of range driving on an approved driving range under Section 53A-13-201 equals one hour of the behind-the-wheel driving required under Subsection (1);

(b) two hours of driving simulation practice on a driving simulation device that is fully interactive as set forth in rules made under Section 53-3-505, equals one hour of the behind-the-wheel driving required under Subsection (1); and

(c) four hours of driving simulation practice on a driving simulation device that is not fully interactive as set forth in rules made under Section 53-3-505, equals one hour of the behind-the-wheel driving required under Subsection (1), with a maximum of one hour of the behind-the-wheel driving required under Subsection (1) that may be substituted under this Subsection (2)(c).

(3) The behind-the-wheel driving required under Subsection (1) shall include, if feasible, driving on interstate and other multilane highways.

Enacted by Chapter 121, 2003 General Session

53-3-506. License expiration and renewal -- Fee required -- Disposition of revenue.

(1) (a) All commercial driver training school licenses, commercial testing only school licenses, school operator licenses, and instructor licenses:

(i) expire one year from the date of issuance; and

(ii) may be renewed upon application to the commissioner as prescribed by rule.

(b) Each application for an original or renewal school license, school operator license, or instructor license shall be accompanied by a fee determined by the department under Section 63J-1-504.

(c) A license fee may not be refunded if the license is rejected, suspended, or revoked.

(2) The license fees collected under this part shall be:

(a) placed in a fund designated as the "Commercial Driver Training Law Fund"; and

(b) used under the supervision and direction of the director of the Division of Finance for the administration of this part.

Amended by Chapter 183, 2009 General Session

53-3-507. Licenses -- Cancellation, revocation, or refusal to issue or renew -- Ineligibility for license.

(1) The department may cancel, revoke, or refuse to issue or renew a commercial driver training school, commercial testing only school, school operator, or instructor license if it finds that the licensee or applicant has not complied with, or has violated this part or any rule made by the division.

(2) A licensee:

(a) shall return a canceled or revoked license to the division; and

(b) is not eligible to apply for a license under this part until six months have elapsed since the date of a cancellation or revocation under this section.

Amended by Chapter 266, 2006 General Session

53-3-508. Local boards of education may conduct class for adults.

Local boards of education, with the consent of the division, may conduct classes in driver education for adult members of the district in those areas of the state where no commercial driver training course is available, and may charge a fee not to exceed the cost of the training.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-509. Violations -- Penalties.

A violation of this part is a class C misdemeanor.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-510. Instructors certified to administer skills tests.

(1) (a) The division shall establish procedures and standards to certify licensed instructors of driver training courses under this part to administer skills tests.

(b) An instructor may not administer a skills test under this section to a student that took the course from the same school or the same instructor.

(2) The division is the certifying authority.

(3) (a) Subject to Subsection (1), an instructor certified under this section may give skills tests designed for driver training courses authorized under this part.

(b) The division shall establish minimal standards for the test that is at least as difficult as those required to receive a class D operator's license under Title 53, Chapter 3, Uniform Driver License Act.

(c) A student who fails the skills test given by an instructor certified under this section may apply for a class D operator's license under Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the skills test at a division office.

(4) A student who successfully passes the test given by a certified driver training instructor under this section satisfies the driving parts of the test required for a class D operator's license.

(5) The division shall establish procedures to enable licensed commercial driver training schools to administer or process the skills test authorized under this section for a class D operator's license.

(6) The division shall establish the standards and procedures required under this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 382, 2008 General Session

53-3-601. Short title.

This part is known as the "Drivers' License Compact."

Enacted by Chapter 234, 1993 General Session

53-3-602. Definitions.

As used in this part:

- (1) "Executive head" means the governor.
- (2) "Licensing authority" means the department, the division, or both as the text may require.

Enacted by Chapter 234, 1993 General Session

53-3-603. Ratification.

The Drivers' License Compact is ratified for the state and is entered into with all other jurisdictions legally joining in the compact.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-604. Text of compact -- Party states to report traffic violations and exchange driving record information in home state of driver.

DRIVERS' LICENSE COMPACT

ARTICLE I

Findings and Declaration of Policy

- (1) The party states find that:
 - (a) The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles.
 - (b) Violation of a law or ordinance relating to the operation of motor vehicles is evidence that the violator engages in conduct that is likely to endanger the safety of persons and property.
 - (c) A license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.
- (2) It is the policy of each of the party states to:
 - (a) promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where the operators drive motor vehicles; and
 - (b) make the reciprocal recognition of licenses to drive and eligibility for licenses more just and equitable by considering the over-all compliance with motor vehicle laws, ordinances, and administrative rules and regulations as a condition precedent to renewing a license authorizing or permitting operation of a motor vehicle in any of the party states.

ARTICLE II

Definitions

As used in this compact:

- (1) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.
- (2) "Home state" means the state that has issued and has the power to suspend

or revoke the use of the license or permit to operate a motor vehicle.

(3) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle that is prohibited by state law, municipal ordinance, or administrative rule or regulation, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III

Reports of Conviction

(1) The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee.

(2) The report shall clearly:

- (a) identify the person convicted;
- (b) describe the violation specifying the section of the statute, code, or ordinance violated;
- (c) identify the court in which action was taken;
- (d) indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond, or other security; and
- (e) include any special findings made in connection with the conviction.

ARTICLE IV

Effect of Conviction

(1) The licensing authority in the home state, for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if the conduct had occurred in the home state, in the case of convictions for:

- (a) manslaughter or negligent homicide resulting from the operation of a motor vehicle;
- (b) driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree that renders the driver incapable of safely driving a motor vehicle;
- (c) any felony in the commission of which a motor vehicle is used; and
- (d) failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(2) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give the same effect to the conduct as provided by laws of the home state.

(3) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in Subsection (1) of this article, the party state shall construe the denominations and descriptions appearing in Subsection (1) as applying to and identifying those offenses or violations of a substantially similar nature and the laws of the party state shall contain provisions as necessary to ensure that full force and effect is given in this article.

ARTICLE V

Applications for New Licenses

(1) Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive

issued by any other party state.

(2) The licensing authority in the state where application is made shall not issue a license to drive to the applicant if the applicant:

(a) has held a license, but the license has been suspended by reason, in whole or in part, of a violation and if the suspension period has not terminated;

(b) has held a license, but the license has been revoked by reason, in whole or in part, of a violation and if the revocation has not terminated, except that after the expiration of one year from the date the license was revoked, the person may make application for a new license if permitted by law, which the authority may refuse to issue if, after investigation, the licensing authority determines that it will not be safe to grant to the person the privilege of driving a motor vehicle on the public highways; or

(c) is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders the license.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by this compact, nothing in this part affects the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, or invalidates or prevents any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII

Compact Administrator and Interchange of Information

(1) (a) The head of the licensing authority of each party state is the administrator of this compact for his state.

(b) The administrators, acting jointly have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(2) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII

Entry into Force and Withdrawal

(1) This compact shall enter into force and become effective as to any state when it has enacted the compact into law.

(2) Any party state may withdraw from this compact by enacting a statute repealing the compact, but no withdrawal takes effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

(3) A withdrawal may not affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX

Construction and Severability

(1) This compact shall be liberally construed to effectuate the purposes of the compact.

(2) The provisions of this compact are severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability of the compact to any

government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance is not affected by the holding.

(3) If this compact is held contrary to the constitution of any party state, the compact remains in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-605. Furnishing information and documents.

The department shall furnish to the appropriate authorities of other party states any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-606. Expenses of compact administrator.

The compact administrator provided for in Article VII of the compact is not entitled to any additional compensation on account of his service as administrator, but is entitled to expenses incurred in connection with his duties and responsibilities as administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-607. Court and agency reporting of actions to department.

Any court or other agency of this state, or a subdivision of the state that has jurisdiction to take any action suspending, revoking, or otherwise limiting a license to drive, shall report any action suspending, revoking, or limiting a license to drive and the adjudication upon which it is based, to the department within ten days, in a manner specified by the department.

Amended by Chapter 85, 2001 General Session

53-3-701. Short title.

This part is known as the "Nonresident Violator Compact."

Enacted by Chapter 234, 1993 General Session

53-3-702. Definitions.

As used in this part:

(1) "Citation" means a summons, ticket, or other official document issued by a peace officer for a traffic violation, containing an order that requires the motorist to respond.

(2) "Collateral" means cash or other security deposited to secure an appearance for trial, following the issuance by a peace officer of a citation for a traffic violation.

- (3) "Court" means a court of law or traffic tribunal.
- (4) "Driver license" means a license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.
- (5) "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.
- (6) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.
- (7) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.
- (8) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.
- (9) "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.
- (10) "Terms of the citation" means those options expressly stated upon the citation.

Amended by Chapter 282, 1998 General Session

53-3-703. Violations exempted from compact.

This compact does not apply to:

- (1) parking or standing violations;
- (2) highway weight limit violations; and
- (3) violations of law governing the transportation of hazardous materials.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-704. Authority to enter compact.

The director of the division shall execute all documents and perform all other acts necessary to enter into and carry out this part.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-705. Procedures for issuing traffic citation.

The following is the procedure of the issuing jurisdiction:

- (1) When issuing a citation for a traffic violation, a peace officer shall issue the citation to a motorist who possesses a driver license issued by a party jurisdiction and shall not, subject to the exceptions noted in Subsection (2), require the motorist to post collateral to secure appearance if the officer receives the motorist's personal recognizance that he or she will comply with the terms of the citation.
- (2) Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place immediately following issuance of the citation.
- (3) (a) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued.

(b) The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home jurisdiction.

(4) Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form and content contained in the compact manual.

(5) The licensing authority of the issuing jurisdiction may not suspend the privilege of a motorist for whom a report has been transmitted.

(6) The licensing authority of the issuing jurisdiction may not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued.

(7) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-706. Procedure for home jurisdictions upon report of a licensee's failure to comply with out-of-state authority.

The following is the procedure for the home jurisdiction:

(1) (a) Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction may notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, and suspend the motorist's driver license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority.

(b) Due process safeguards will be accorded.

(2) The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the compact manual.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-707. Rights of party jurisdictions not affected by compact.

Except as expressly required by the compact, nothing contained in this part affects the right of any party jurisdiction to apply any of its other laws relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangement between a party jurisdiction and a nonparty jurisdiction.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-708. Compact administrator.

The director of the division is the compact administrator for the state.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-709. Amendment of compact.

- (1) (a) This compact may be amended from time to time.
- (b) Amendments shall be presented in resolution form to the chairman of the board of compact administrators and may be initiated by one or more party jurisdictions.
- (2) Adoption of an amendment requires endorsement of all party jurisdictions and becomes effective 30 days after the date of the last endorsement.
- (3) (a) Failure of a party jurisdiction to respond to the compact chairman within 120 days after receipt of the proposed amendment constitutes endorsement.
- (b) A report authorized by Section 53-3-104 may not contain any evidence of a suspension that occurred as a result of failure to comply with the requirements of this part.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-801. Short title.

This part is known as the "Identification Card Act."

Enacted by Chapter 234, 1993 General Session

53-3-802. Definitions.

As used in this part:

- (1) "Adult" means a person 21 years of age or older.
- (2) "Identification card" means a card for identification issued under this part.
- (3) "Minor" means a person younger than 21 years of age.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-803. Application for identification card -- Age requirements -- Application on behalf of others.

- (1) A person at least 16 years of age or older may apply to the division for an identification card.
- (2) A person younger than 16 years of age may apply to the division for an identification card with the consent of the applicant's parent or guardian.
- (3) (a) If a person is unable to apply for the card due to his youth or incapacitation, the application may be made on behalf of that person by his parent or guardian.
- (b) A parent or guardian applying for an identification card on behalf of a child or incapacitated person shall provide:
 - (i) identification, as required by the commissioner; and
 - (ii) the consent of the incapacitated person, as required by the commissioner.
- (4) Beginning on or after July 1, 2012, a person who holds an unexpired Utah license certificate issued under Part 2, Driver Licensing Act, may not be issued a Utah identification card or an extension of a regular identification card unless:
 - (a) the Utah license certificate is canceled; and
 - (b) if the Utah license certificate is in the person's possession, the Utah license certificate is surrendered to the division.

Amended by Chapter 252, 2014 General Session

53-3-804. Application for identification card -- Required information -- Release of anatomical gift information -- Cancellation of identification card.

(1) To apply for a regular identification card or limited-term identification card, the applicant shall:

- (a) be a Utah resident;
 - (b) have a Utah residence address; and
 - (c) appear in person at any license examining station.
- (2) The applicant shall provide the following information to the division:
- (a) true and full legal name and Utah residence address;
 - (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or other satisfactory evidence of birth, which shall be attached to the application;
 - (c) (i) Social Security number; or
 - (ii) written proof that the applicant is ineligible to receive a Social Security number;
 - (d) place of birth;
 - (e) height and weight;
 - (f) color of eyes and hair;
 - (g) signature;
 - (h) photograph;
 - (i) evidence of the applicant's lawful presence in the United States by providing documentary evidence:
 - (i) that a person is:
 - (A) a United States citizen;
 - (B) a United States national; or
 - (C) a legal permanent resident alien; or
 - (ii) of the applicant's:
 - (A) unexpired immigrant or nonimmigrant visa status for admission into the United States;
 - (B) pending or approved application for asylum in the United States;
 - (C) admission into the United States as a refugee;
 - (D) pending or approved application for temporary protected status in the United States;
 - (E) approved deferred action status;
 - (F) pending application for adjustment of status to legal permanent resident or conditional resident; or
 - (G) conditional permanent resident alien status;
 - (j) an indication whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act;
 - (k) an indication whether the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry; and
 - (l) an indication whether the applicant is a veteran of the United States Armed Forces, verification that the applicant has received an honorable or general discharge from the United States Armed Forces, and an indication whether the applicant does or

does not authorize sharing the information with the state Department of Veterans' and Military Affairs.

(3) The requirements of Section 53-3-234 apply to this section for each person, age 16 and older, applying for an identification card. Refusal to consent to the release of information shall result in the denial of the identification card.

(4) A person who knowingly fails to provide the information required under Subsection (2)(k) is guilty of a class A misdemeanor.

(5) (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.

(b) On or after December 1, 2014, a person born on or after December 1, 1964:

(i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and

(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.

(c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (5), the division shall cancel the Utah identification card on December 1, 2014.

(6) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.

(b) On or after December 1, 2017, a person born prior to December 1, 1964:

(i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and

(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.

(c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (6), the division shall cancel the Utah identification card on December 1, 2017.

Amended by Chapter 85, 2014 General Session

Amended by Chapter 252, 2014 General Session

53-3-805. Identification card -- Contents -- Specifications.

(1) (a) The division shall issue an identification card that bears:

(i) the distinguishing number assigned to the person by the division;

(ii) the name, birth date, and Utah residence address of the person;

(iii) a brief description of the person for the purpose of identification;

(iv) a photograph of the person;

(v) a photograph or other facsimile of the person's signature;

(vi) an indication whether the person intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act; and

(vii) if the person states that the person is a veteran of the United States military on the application for an identification card in accordance with Section 53-3-804 and

provides verification that the person received an honorable or general discharge from the United States Armed Forces, an indication that the person is a United States military veteran for a regular identification card or a limited-term identification card issued on or after July 1, 2011.

(b) An identification card issued by the division may not bear the person's Social Security number or place of birth.

(2) (a) The card shall be of an impervious material, resistant to wear, damage, and alteration.

(b) Except as provided under Section 53-3-806, the size, form, and color of the card is prescribed by the commissioner.

(3) At the applicant's request, the card may include a statement that the applicant has a special medical problem or allergies to certain drugs, for the purpose of medical treatment.

(4) (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated by the applicant in accordance with division rule.

(b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-102, the names and addresses of all persons who under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.

(ii) An organ procurement organization may use released information only to:

(A) obtain additional information for an anatomical gift registry; and

(B) inform applicants of anatomical gift options, procedures, and benefits.

(5) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans' and Military Affairs the names and addresses of all persons who indicate their status as a veteran under Subsection 53-3-804(2)(l).

(6) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

(a) loss;

(b) detriment; or

(c) injury.

(7) (a) The division may issue a temporary regular identification card to a person while the person obtains the required documentation to establish verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).

(b) A temporary regular identification card issued under this Subsection (7) shall be recognized and grant the person the same privileges as a regular identification card.

(c) A temporary regular identification card issued under this Subsection (7) is invalid:

(i) when the person's regular identification card has been issued;

(ii) when, for good cause, an applicant's application for a regular identification card has been refused; or

(iii) upon expiration of the temporary regular identification card.

Amended by Chapter 85, 2014 General Session

Amended by Chapter 252, 2014 General Session

53-3-806. Portrait-style format -- Minor's card distinguishable.

(1) The division shall use a portrait-style format for all identification cards, similar to the format used for license certificates issued to a person younger than 21 years of age under Section 53-3-207.

(2) The identification card issued to a person younger than 21 years of age shall be distinguished by use of plainly printed information or by the use of a color or other means not used for the identification card issued to a person 21 years of age or older.

(3) The division shall distinguish an identification card issued to any person:

(a) younger than 21 years of age by plainly printing the date the identification card holder is 21 years of age, which is the legal age for purchasing an alcoholic beverage or alcoholic product under Section 32B-4-403; and

(b) younger than 19 years of age by plainly printing the date the identification card holder is 19 years of age, which is the legal age for purchasing tobacco products under Section 76-10-104.

(4) The division shall distinguish a limited-term identification card by clearly indicating on the card:

(a) that it is temporary; and

(b) its expiration date.

Amended by Chapter 276, 2010 General Session

53-3-806.5. Identification card required if sex offender does not have driver license.

(1) (a) If a person is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry, and the person does not hold a current driver license in compliance with Section 53-3-205, the person shall obtain an identification card.

(b) The person shall maintain a current identification card during any time the person is required to register as a sex offender and the person does not hold a valid driver license.

(2) Failure to maintain a current identification card as required under Subsection (1) on and after April 30, 2007 is a class A misdemeanor for each month of violation of Subsection (1).

Amended by Chapter 145, 2012 General Session

53-3-807. Expiration -- Address and name change -- Extension.

(1) (a) A regular identification card issued on or after July 1, 2006, expires on the birth date of the applicant in the fifth year following the issuance of the regular identification card.

(b) A limited-term identification card expires on:

(i) the expiration date of the period of time of the individual's authorized stay in the United States or on the birth date of the applicant in the fifth year following the issuance of the limited-term identification card, whichever is sooner; or

(ii) on the date of issuance in the first year following the year that the limited-term identification card was issued if there is no definite end to the individual's period of authorized stay.

(2) If a person has applied for and received an identification card and subsequently moves from the address shown on the application or on the card, the person shall within 10 days notify the division in a manner specified by the division of the person's new address.

(3) If a person has applied for and received an identification card and subsequently changes the person's name under Title 42, Chapter 1, Change of Name, the person:

(a) shall surrender the card to the division; and

(b) may apply for a new card in the person's new name by:

(i) furnishing proper documentation to the division as provided in Section 53-3-804; and

(ii) paying the fee required under Section 53-3-105.

(4) (a) Except as provided in Subsection (4)(c), if a person has applied for and received an identification card and is currently required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry:

(i) the person's identification card expires annually on the next birth date of the cardholder, on and after July 1, 2006;

(ii) the person shall surrender the person's identification card to the division on or before the cardholder's next birth date beginning on July 1, 2006; and

(iii) the person may apply for an identification card with an expiration date identified in Subsection (8) by:

(A) furnishing proper documentation to the division as provided in Section 53-3-804; and

(B) paying the fee for an identification card required under Section 53-3-105.

(b) Except as provided in Subsection (4)(c), if a person has applied for and received an identification card and is subsequently convicted of any offense listed in Subsection 77-41-102(16), the person shall surrender the card to the division on the person's next birth date following the conviction and may apply for a new card with an expiration date identified in Subsection (8) by:

(i) furnishing proper documentation to the division as provided in Section 53-3-804; and

(ii) paying the fee required under Section 53-3-105.

(c) A person who is unable to comply with the provisions of Subsection (4)(a) or (4)(b) because the person is in the custody of the Department of Corrections or Division of Juvenile Justice Services, confined in a correctional facility not operated by or under contract with the Department of Corrections, or committed to a state mental facility, shall comply with the provisions of Subsection (4)(a) or (b) within 10 days of being released from confinement.

(5) A person older than 21 years of age with a disability, as defined under the Americans with Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on an identification card for five years if the person with a disability or an agent of the person with a disability:

(a) requests that the division send the application form to obtain the extension or

requests an application form in person at the division's offices;

(b) completes the application;

(c) certifies that the extension is for a person 21 years of age or older with a disability; and

(d) returns the application to the division together with the identification card fee required under Section 53-3-105.

(6) The division may extend a valid regular identification card for five years:

(a) (i) at any time within six months before the identification card expires; and

(ii) if the identification card was issued after January 1, 2010.

(b) The application for an extension of a regular identification card shall be accompanied by a fee under Section 53-3-105.

(c) The division shall allow extensions:

(i) by mail, electronic means, or other means as determined by the division at the appropriate extension fee rate under Section 53-3-105; and

(ii) only if the applicant qualifies under this section.

(7) (a) (i) Except as prohibited under Subsection (7)(b), a regular identification card may only be extended once under Subsections (5) and (6).

(ii) After an extension an application for an identification card must be applied for in person at the division's offices.

(b) An identification card issued to a person required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry, may not be extended.

(8) An identification card issued prior to July 1, 2006 to a person 65 years of age or older expires on December 1, 2017.

(9) Notwithstanding the provisions of this section, an identification card expires on the birth date of the applicant in the first year following the year that the identification card was issued if the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

(10) A person who knowingly fails to surrender an identification card under Subsection (4) is guilty of a class A misdemeanor.

Amended by Chapter 252, 2014 General Session

53-3-808. Fee required for identification card.

(1) The commissioner may charge and collect a fee only as provided by Section 53-3-105 when an application for an identification card is submitted.

(2) (a) Before accepting an application from an indigent person for an identification card without the payment of a fee, the division shall require that the indigent person sign a statement under penalty of perjury that the person is indigent.

(b) The division may require an indigent person applying for an identification card without the payment of a fee to execute a release form allowing the division to inquire with the Tax Commission whether the person has filed state income tax returns or has state income tax withholding suggesting that the person is not indigent.

Amended by Chapter 45, 2009 General Session

53-3-809. Revocation of card for providing false information or altering card.

The commissioner shall revoke and repossess the identification card of any person who has:

- (1) furnished false or forged information or evidence in support of any application for any identification card; or
- (2) altered any information or photograph on an identification card.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-810. Prohibited uses of identification card -- Penalties.

- (1) It is a class C misdemeanor to:
 - (a) lend or knowingly permit the use of an identification card issued to the person, by a person not entitled to it;
 - (b) display or to represent as the person's own an identification card not issued to the person;
 - (c) refuse to surrender to the division or a peace officer upon demand any identification card issued by the division;
 - (d) use a false name or give a false address in any application for an identification card or any renewal or duplicate of the identification card, or to knowingly make a false statement, or to knowingly conceal a material fact in the application;
 - (e) display a revoked identification card as a valid identification card;
 - (f) knowingly acquire, use, display, or transfer an item that purports to be an authentic identification card issued by a governmental entity if the item is not an authentic identification card issued by that governmental entity; or
 - (g) alter any information contained on an authentic identification card so that it no longer represents the information originally displayed.
- (2) It is a class A misdemeanor to knowingly:
 - (a) issue an identification card with false or fraudulent information;
 - (b) issue an identification card to any person younger than 21 years of age if the identification card is not distinguished as required for a person younger than 21 years of age under Section 53-3-806; or
 - (c) acquire, use, display, or transfer a false or altered identification card to procure:
 - (i) a cigarette;
 - (ii) an electronic cigarette, as defined in Section 76-10-101;
 - (iii) tobacco; or
 - (iv) a tobacco product.
- (3) A person may not knowingly use, display, or transfer a false or altered identification card to procure alcoholic beverages, gain admittance to a place where alcoholic beverages are sold or consumed, or obtain employment that may not be obtained by a minor in violation of Section 32B-1-403.
- (4) It is a third degree felony if a person's acquisition, use, display, or transfer of a false or altered identification card:
 - (a) aids or furthers the person's efforts to fraudulently obtain goods or services;or

(b) aids or furthers the person's efforts to commit a violent felony.

Amended by Chapter 114, 2010 General Session

Amended by Chapter 276, 2010 General Session

53-3-901. Title.

This part is known as the "Motorcycle Rider Education Act."

Amended by Chapter 21, 1999 General Session

53-3-902. Definitions.

As used in this part:

(1) "Motorcycle" has the same meaning as provided in Section 41-1a-102.

(2) "Program" means the motorcycle rider education program for training and information disbursement created under Section 53-3-903.

(3) "Rider training course" means a motorcycle rider education curriculum and delivery system approved by the division as meeting national standards designed to develop and instill the knowledge, attitudes, habits, and skills necessary for the safe operation of a motorcycle.

Amended by Chapter 21, 1999 General Session

53-3-903. Motorcycle Rider Education Program.

(1) (a) The division shall develop standards for and administer the Motorcycle Rider Education Program.

(b) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this chapter.

(2) The program shall include:

(a) a novice rider training course;

(b) a rider training course for experienced riders; and

(c) an instructor training course.

(3) The division may expand the program to include:

(a) enhancing public awareness of motorcycle riders;

(b) increasing the awareness of motorcycle riders of the effects of alcohol and drugs;

(c) motorcycle rider skills improvement;

(d) program and other motorcycle safety promotion; and

(e) improvement of motorcycle licensing efforts.

(4) (a) Subject to the restriction in Subsection (4)(b), rider training courses shall be open to all residents of the state who:

(i) are at least 15 years 6 months of age; and

(ii) either hold a valid learner permit or driver license for any classification or are eligible for a motorcycle learner permit.

(b) A person who has been issued a learner permit may enroll in and complete a rider training course if the course is conducted on a closed course that:

(i) is not conducted on a public highway;

- (ii) is approved by the division; and
- (iii) meets or exceeds established national standards for motorcycle rider training courses prescribed by the Motorcycle Safety Foundation.
- (c) An adequate number of novice rider training courses shall be provided to meet the reasonably anticipated needs of all persons in the state who are eligible and who desire to participate in the program.
- (d) Program delivery may be phased in over a reasonable period of time.
- (5) (a) The division may enter into contracts with either public or private institutions to provide a rider training course approved by the division.
- (b) The institution shall issue certificates of completion in the manner and form prescribed by the director to persons who satisfactorily complete the requirements of the course.
- (c) An institution conducting a rider training course may charge a reasonable tuition fee to cover the cost of offering the course.
- (d) (i) The division may use program funds to defray its own expenses in administering the program.
- (ii) The division may reimburse entities that offer approved courses for actual expenses incurred in offering the courses, up to a limit established by the division based upon available program funds.
- (iii) Any reimbursement paid to an entity must be entirely reflected by the entity in reduced course enrollment fees for students.
- (6) (a) Standards for the motorcycle rider training courses, including standards for course curriculum, materials, and student evaluation, and standards for the training and approval of instructors shall meet or exceed established national standards for motorcycle rider training courses prescribed by the Motorcycle Safety Foundation.
- (b) Motorcycle rider training courses shall be taught only by instructors approved under Section 53-3-904.
- (c) Motorcycle rider training courses for novices shall include at least eight hours of practice riding.
- (7) The commissioner shall appoint a full-time program coordinator to oversee and direct the program.

Amended by Chapter 252, 2009 General Session

53-3-904. Instructor training and approval.

- (1) The program coordinator shall approve instructors for the motorcycle rider training courses.
- (2) A person may not be approved as an instructor unless the person holds a current instructor certification issued by the Motorcycle Safety Foundation or another nationally recognized motorcycle safety instructor certifying body.
- (3) (a) The program shall include instructor training courses as necessary.
- (b) Prior to completion of an instructor training course, the participant shall demonstrate:
 - (i) knowledge of the course material;
 - (ii) knowledge of proper motorcycle operation;
 - (iii) proficiency in riding motorcycles; and

- (iv) the necessary aptitude for instructing students.
- (4) An applicant for an instructor training course shall:
 - (a) have a high school diploma or its equivalent;
 - (b) be at least 18 years of age;
 - (c) have a valid endorsement to his driver's license for motorcycles; and
 - (d) have at least two years of recent motorcycle riding experience.
- (5) The division shall refuse to certify or revoke certification of an instructor if the applicant:
 - (a) has had his driver's license suspended or revoked during the preceding two years or within the preceding five years if the suspension or revocation was for an alcohol or drug-related offense;
 - (b) fails to successfully complete an instructor course or required course updates; or
 - (c) no longer meets the requirements of this section.

Enacted by Chapter 216, 1993 General Session

53-3-905. Dedication of fees.

- (1) The following shall be deposited as dedicated credits in the Transportation Fund to be used by the division for the program:
 - (a) \$5 of the annual registration fee imposed for each registered motorcycle under Subsection 41-1a-1206(1)(a);
 - (b) \$4 of the six-month registration fee imposed for each registered motorcycle under Subsection 41-1a-1206(2)(a); and
 - (c) \$2.50 of the fee imposed under Section 53-3-105 for an original, renewal, or extension of a motorcycle endorsement.
- (2) Appropriations to the program are nonlapsing.
- (3) Appropriations may not be used for assistance to, advocacy of, or lobbying for any legislation unless the legislation would enhance or affect the financial status of the program or the program's continuation.

Amended by Chapter 397, 2012 General Session

53-3-907. Licensing skills test exemption.

- (1) The division may exempt an applicant for a motorcycle operator license or endorsement from the licensing skills test if he presents proof of successful completion of a rider training course approved by the division that includes a similar test of skills.
- (2) The exemption provided in Subsection (1) applies only if the applicant applies for a motorcycle operator license or endorsement within six months of completion of an approved rider training course.

Enacted by Chapter 216, 1993 General Session

53-3-908. Advisory committee.

- (1) The governor shall appoint a five-member program advisory committee to assist in the development and implementation of the program.

- (2) The committee members shall be appointed by the governor as follows:
 - (a) one representative of motorcycle retail dealers;
 - (b) one representative of peace officers;
 - (c) one citizen not affiliated with a motorcycle dealer, manufacturer, or association;
 - (d) one motorcycle safety foundation instructor or chief instructor; and
 - (e) one member of an incorporated motorcycle rider organization.
- (3) All members of the advisory committee shall be licensed motorcyclists.
- (4) (a) Except as required by Subsection (4)(b), as terms of current committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.
- (b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.
- (c) The committee shall meet at the call of the director.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 286, 2010 General Session
Amended by Chapter 324, 2010 General Session

53-3-909. Program exemption.

An entity offering a motorcycle rider training course approved by the division and an instructor providing instruction as part of an approved motorcycle rider training course are exempt from the requirements of Title 53, Chapter 3, Part 5, Commercial Driver Training Schools Act.

Amended by Chapter 12, 1994 General Session

53-3-1001. Title.

This part is known as the "Ignition Interlock System Program Act."

Enacted by Chapter 421, 2011 General Session

53-3-1002. Definitions.

As used in this part:

- (1) "Ignition interlock system" has the same meaning as defined in Section 41-6a-518.2.
- (2) "Ignition interlock system provider" means an individual who:
 - (a) is acting on behalf of a business enterprise conducted by a person,

association, partnership, or corporation for the purpose of installation and maintenance of an ignition interlock system;

(b) is certified as an installer;

(c) has met the requirements for ignition interlock system provider status as established by the division;

(d) is authorized or certified to operate or manage an ignition interlock system business;

(e) may supervise the work of another installer; and

(f) charges a fee for the services described under this Subsection (2).

(3) "Installer" means a person, whether acting as an ignition interlock system provider or for an ignition interlock system provider for compensation, who is certified by the division to install ignition interlock systems.

(4) "Interlock restricted driver" has the same meaning as defined in Section 41-6a-518.2.

(5) "Provider" means an ignition interlock system provider.

Enacted by Chapter 421, 2011 General Session

53-3-1003. Licenses required -- Inspections.

(1) An ignition interlock system provider may be certified to facilitate installation of ignition interlock systems only if the provider applies for and obtains a license from the division.

(2) A person may act as an ignition interlock system installer only if the person applies for and obtains a license from the division.

(3) The division shall inspect the provider facilities and equipment of applicants and licensees and examine applicants for provider licenses and installer licenses.

(4) The division shall administer and enforce this part.

Enacted by Chapter 421, 2011 General Session

53-3-1004. Ignition interlock system provider license -- Contents of rules.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules regarding the requirements for:

(1) an ignition interlock system provider license, including requirements concerning:

(a) locations;

(b) equipment;

(c) installers;

(d) previous records of the provider and installers;

(e) financial statements;

(f) schedule of fees and charges;

(g) character and reputation of the providers and installers;

(h) insurance as the commissioner determines necessary to protect the interests of the public; and

(i) other provisions the commissioner may prescribe for the protection of the public;

- (2) an installer's license, including requirements concerning:
 - (a) moral character;
 - (b) knowledge of the procedures for installation of an ignition interlock system;
- and
- (c) other provisions the commissioner may prescribe for the protection of the public; and
- (3) applications for licenses.

Enacted by Chapter 421, 2011 General Session

53-3-1005. License expiration and renewal -- Fee required -- Disposition of revenue.

- (1) (a) All ignition interlock system provider licenses and installer licenses:
 - (i) expire one year from the date of issuance; and
 - (ii) may be renewed upon application to the commissioner as prescribed by rule.
- (b) Each application for an original or renewal provider license or installer license shall be accompanied by a fee determined by the department under Section 63J-1-504.
- (c) A license fee may not be refunded if the license is rejected, suspended, or revoked.
- (2) The license fees collected under this part shall be placed in the Department of Public Safety Restricted Account.

Enacted by Chapter 421, 2011 General Session

53-3-1006. Licenses -- Cancellation, revocation, or refusal to issue or renew -- Ineligibility for license.

- (1) The department may cancel, revoke, or refuse to issue or renew an ignition interlock system provider or installer license if it finds that the licensee or applicant has not complied with or has violated this part or any rule made by the division.
- (2) A licensee:
 - (a) shall return a canceled or revoked license to the division; and
 - (b) is not eligible to apply for a license under this part until six months have elapsed since the date of a cancellation or revocation under this section.

Enacted by Chapter 421, 2011 General Session

53-3-1007. Ignition interlock system provider -- Notification to the division upon installation or removal of an ignition interlock system -- License suspension or revocation for failure to install or remove.

- (1) An ignition interlock system provider who installs an ignition interlock system on a person's vehicle shall:
 - (a) provide proof of installation to the person; and
 - (b) electronically notify the division of installation of an ignition interlock system on the person's vehicle.
- (2) An ignition interlock system provider shall electronically notify the division if a

person has removed an ignition interlock system from the person's vehicle.

(3) If an individual is an interlock restricted driver, the division shall:

(a) suspend the person's driving privilege for the duration of the restriction period as defined in Section 41-6a-518.2;

(b) notify the person of the suspension period in place and the requirements for reinstatement of the driving privilege with respect to the ignition interlock restriction suspension; and

(c) clear the suspension upon:

(i) receipt of payment of the fee or fees specified in Section 53-3-105; and

(ii) (A) receipt of electronic notification from an ignition interlock system provider showing proof of the installation of an ignition interlock system on the person's vehicle; or

(B) electronically verifying that the person does not have a vehicle registered in the person's name in the state of Utah.

(4) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division shall suspend the license of any person without receiving a record of the person's conviction of crime seven days after receiving electronic notification from an ignition interlock system provider that a person has removed an ignition interlock system from the person's vehicle if the person is an interlock restricted driver until:

(a) the division:

(i) receives payment of the fee or fees specified in Section 53-3-105; and

(ii) (A) receives electronic notification from an ignition interlock system provider showing new proof of the installation of an ignition interlock system; or

(B) electronically verifies that the person does not have a vehicle registered in the person's name in the state of Utah; or

(b) the person's interlock restricted period has expired.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:

(a) procedures for certification and regulation of ignition interlock system providers;

(b) acceptable documentation for proof of the installation of an ignition interlock device;

(c) procedures for an ignition interlock system provider to electronically notify the division; and

(d) policies and procedures for the administration of the ignition interlock system program created under this section.

Amended by Chapter 101, 2014 General Session

53-3-1008. Violations -- Penalties.

A violation of the requirement under this part to be licensed as an ignition interlock system provider or installer is a class C misdemeanor.

Enacted by Chapter 421, 2011 General Session